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Author and Title

Iowa. Laws, statutes, etc.
Acts and joint resolutions.

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Name	Location

Iowa. Laws, statutes, etc.
Acts and joint resolutions.

KFI	vol.
4225	1878
A224	

ACTS AND RESOLUTIONS

PASSED AT THE

REGULAR SESSION

OF THE

SEVENTEENTH GENERAL ASSEMBLY

OF THE

STATE OF IOWA:

BEGUN JANUARY 14, AND ENDED MARCH 26, 1878.

PUBLISHED BY AUTHORITY.

DES MOINES:
R. P. CLARKSON, STATE PRINTER.
1878.

STATE GOVERNMENT, 1878.

List of State Officers, Judges of the Supreme, District and Circuit Courts, District Attorneys, Members and Officers of the General Assembly, at the time of the passage of the Laws contained in this Volume.

EXECUTIVE DEPARTMENT.

NAME.	POSITION.	COUNTY FROM WHICH ORIGINALLY CHOSEN.
John H. Gear.....	Governor.....	Des Moines.....
William H. Fleming...	Private Secretary.....	Clinton.....
Frank T. Campbell.....	Lieutenant-Governor.....	Jasper.....
Josiah T. Young.....	Secretary of State.....	Monroe.....
Fletcher W. Young....	Deputy Secretary of State.....	Monroe.....
Buren R. Sherman.....	Auditor of State.....	Benton.....
John C. Parish.....	Deputy Auditor of State.....	Polk.....
George W. Bemis.....	Treasurer of State.....	Buchanan.....
Erastus G. Morgan.....	Deputy Treasurer of State.....	Webster.....
David Secor.....	Register of State Land Office.....	Winnebago.....
John M. Davis.....	Deputy Register of State Land Office...	Polk.....
Carl W. von Coelln.....	Superintendent of Public Instruction.....	Black Hawk.....
Ira C. Kling.....	Deputy Supt. of Public Instruction.....	Cerro Gordo.....
John F. McJunkin.....	Attorney-General.....	Washington.....
Richard P. Clarkson.....	State Printer.....	Polk.....
Henry A. Perkins.....	State Binder.....	Woodbury.....
John H. Looby.....	Adjutant and Inspector General and Acting Quartermaster-General.....	Clarke.....
Mrs. Ada North.....	State Librarian.....	Polk.....

JUDICIAL DEPARTMENT.

SUPREME COURT.

NAME.	POSITION.	COUNTY FROM WHICH ORIGINALLY CHOSEN.	POST-OFFICE.
James H. Rothrock	Chief Justice.....	Cedar	Tipton
Joseph M. Beck.....	Judge	Lee	Ft. Madison.....
Austin Adams	Judge	Dubuque	Dubuque
William H. Seevers.....	Judge	Mahaska	Oskaloosa
James G. Day.....	Judge	Fremont	Sidney
Edward J. Holmes.....	Clerk	Jackson	Des Moines.....
John S. Runnells.....	Reporter	Polk	Des Moines.....

DISTRICT COURTS.

District.	NAME.	POSITION.	COUNTY FROM WHICH CHOSEN.	POST-OFFICE.
1	Thomas W. Newnan.....	Judge.....	Des Moines	Burlington
2	Joseph C. Knapp.....	Judge.....	Van Buren.....	Keosauqua.....
3	Samuel Forrey.....	Judge.....	Decatur	Leon.....
4	Charles H. Lewis	Judge.....	Cherokee	Cherokee
5	John Leonard	Judge.....	Madison	Winterset
6	Horace S. Winslow.....	Judge.....	Jasper	Newton
7	Walter I. Hayes.....	Judge.....	Clinton	Clinton
8	John Shane.....	Judge.....	Benton	Vinton.....
9	David S. Wilson	Judge.....	Dubuque	Dubuque
10	Reuben Noble.....	Judge.....	Clayton	McGregor
11	Isaac J. Mitchell.....	Judge.....	Boone	Boonsboro
12	George W. Ruddick.....	Judge.....	Bremer.....	Waverly
13	Joseph R. Reed.....	Judge.....	Pottawattamie...	Council Bluffs...
14	Ed. R. Duffie.....	Judge.....	Sac	Sac City.....
1	Damon N. Sprague.....	Dist. Attorney..	Lee	Keokuk.....
2	Thomas M. Fee	Dist. Attorney..	Appanoose.....	Centerville.....
3	Smith McPherson.....	Dist. Attorney..	Montgomery.....	Red Oak.....
4	George B. McCarty.....	Dist. Attorney..	Palo Alto.....	Emmetsburg
5	Hiram Y. Smith	Dist. Attorney..	Polk	Des Moines
6	George W. Lafferty.. ..	Dist. Attorney..	Mahaska	Oskaloosa
7	Lyman A. Ellis	Dist. Attorney..	Clinton	Lyons.....
8	Milo P. Smith.....	Dist. Attorney..	Iowa	Marengo
9	Joseph B. Powers	Dist. Attorney..	Black Hawk.....	Cedar Falls.....
10	Orlando J. Clark	Dist. Attorney..	Winneshiek.....	Decorah
11	Maurice D. O'Connell	Dist. Attorney..	Webster	Fort Dodge.....
12	J. B. Cleland.....	Dist. Attorney..	Mitchell	Osage
13	A. R. Anderson.....	Dist. Attorney..	Fremont	Sidney
14	J. M. Toliver.....	Dist. Attorney..	Calhoun	Lake City

STATE GOVERNMENT.

v

CIRCUIT COURTS.

District.	Circuit.	NAME.	POSITION.	COUNTY FROM WHICH CHOSEN.	POST-OFFICE.
1	1	John B. Drayer	Judge	Henry	Mt. Pleasant
	2	Charles H. Phelps	Judge	Des Moines	Burlington
2	2	Robert Sloan	Judge	Van Buren.....	Keosauqua
3	3	D. D. Gregory.....	Judge	Union.....	Afton
4	4	J. R. Zuver.....	Judge	Woodbury	Sioux City.....
5	1	John Mitchell	Judge	Polk	Des Moines
	2	Stephen A. Callvert.....	Judge	Dallas	Adel
6	6	Lucian C. Blanchard.....	Judge	Mahaska	Oskaloosa
7	1	Daniel W. Ellis	Judge	Clinton	Lyons.....
	2	De Witt C. Richman.....	Judge	Muscatine.....	Muscatine.....
8	8	John McKean.....	Judge	Jones	Anamosa.....
9	9	Sylvester Bagg	Judge	Black Hawk.....	Waterloo.....
10	10	Charles T. Granger	Judge	Allamakee	Waukon
11	11	John H. Bradley	Judge	Marshall	Marshalltown ..
12	12	Robert G. Reiniger	Judge	Floyd	Charles City.....
13	13	C. F. Loofbourow	Judge	Cass	Atlantic
14	14	John N. Weaver.....	Judge	Kossuth.....	Algona.....

SEVENTEENTH GENERAL ASSEMBLY

OF THE

STATE OF IOWA,

Which Convened at the Capitol, in Des Moines, Monday, January 14, and Adjourned March 26, 1878.

SENATE.

No. District.			POST-OFFICE.
	COUNTIES.	SENATORS.	
1	Lee.....	James M. Shelley.....	Keokuk
2	Van Buren and Davis.....	Horatio A. Wonn ...	Drakeville
3	Appanoose.....	Joshua Miller.....	Centerville.....
4	Monroe and Wayne.....	Henry L. Dashiell.....	Albia.....
5	Union, Clarke and Lucas.....	Samuel L. Bestow.....	Chariton
6	Decatur, Ringgold and Taylor.....	Fred Teale.....	Decatur
7	Fremont and Page.....	P. W. Lewellen.....	Ciarinda
8	Mills, Montgomery and Adams.....	Alfred Hebard.....	Red Oak.....
9	Des Moines.....	John Patterson.....	Burlington.....
10	Henry.....	John S. Woolson	Mt. Pleasant...
11	Jefferson.....	Moses A. McCoid.....	Fairfield
12	Keokuk.....	Sanford Harned.....	Sigourney
13	Wapello.....	Gregg A. Madson	Ottumwa
14	Washington and Louisa.....	William Wilson.....	Washington ..
15	Mahaska.....	Thomas R. Gilmore..	Kirkville, Wap.
16	Marion.....	John L. McCormack	Knoxville
17	Warren.....	William Graham.....	Indianola.....
18	Madison, Adair and Cass.....	Lafayette Young.....	Atlantic.....
19	Pottawattamie.....	George F. Wright....	Council Bluffs.
20	Muscatine.....	Thomas Hanna.....	Muscatine.....
21	Scott.....	William A. Foster....	Davenport
22	Clinton.....	Nathaniel A. Merrell	De Witt.....
23	Cedar and Jones.....	Henry C. Carr.....	Tipton.....
24	Jackson.....	Wm. A. Maginnis....	Bellevue.....
25	Johnson.....	Ezekiel Clark.....	Iowa City.....
26	Iowa.....	J. N. W. Rumble.....	Marengo.....
27	Linn.....	Stephen L. Dows.....	Cedar Rapids..
28	Benton.....	John D. Nichols.....	Vinton
29	Jasper.....	John Meyer.....	Newton
30	Polk.....	Robert C. Webb.....	Des Moines....

SENATE—CONTINUED.

No. District.	COUNTIES.	SENATORS.	POST-OFFICE.
31	Dallas, Guthrie, Audubon and Shelby	Samuel D. Nichols...	Panora.....
32	Marshall and Grundy.....	Delos Arnold.....	Marshalltown.
33	Story and Boone.....	Wm. H. Gallup.....	Nevada.....
34	Harrison, Monona, Crawford, Ida, and Sac....	Augustin W. Ford...	Magnolia.....
35	Dubuque.....	Moses M. Ham.....	Dubuque.....
36	Delaware.....	Charles E. Bronson..	Manchester...
37	Hardin and Hamilton.....	Daniel D. Chase.....	Webster City..
38	Black Hawk.....	H. C. Hemenway....	Cedar Falls....
39	Buchanan.....	M. W. Harmon.....	Independence
40	Clayton.....	J. T. Stoneman.....	McGregor
41	Allamakee.....	Samuel H. Kinne....	Lansing.....
42	Winneshiek.....	Martin N. Johnson..	Decorah
43	Fayette.....	Wm. Larrabee.....	Clermont
44	Bremer, Chickasaw, and Howard.....	Aaron Kimball.....	Cresco
45	Poweshiek and Tama.....	Robert M. Haines...	Grinnell.....
46	Butler, Floyd, and Mitchell.....	W. W. Blackman....	West Mitchell.
47	Winnebago, Worth, Cerro Gordo, Wright, Franklin, and Hancock.....	Lemuel Dwelle.....	Northwood....
48	Webster, Greene, Calhoun, and Carroll.....	J. J. Russell.....	Jefferson.....
49	Kossuth, Humboldt, Emmet, Dickinson, Clay, Palo Alto, Pocahontas, O'Brien and Osceola	Eldin J. Hartshorn..	Emmetsburg...
50	Woodbury, Plymouth, Sioux, Lyon, Chero- kee, and Buena Vista.....	Albert H. Lawrence.	Le Mars.....

OFFICERS OF THE SENATE.

President—Frank T. Campbell, Newton, Jasper County.

Secretary—John A. T. Hull, Bloomfield, Davis County.

Assistant Secretary—A. T. McCargar, Spencer, Clay County.

Second Assistant Secretary—Edward E. Merritt, Victor, Iowa County.

Enrolling Clerk—Marilda Hollett, Independence, Buchanan County.

Engrossing Clerk—Hattie Raybourne, Swede Point, Dallas County.

Sergeant-at-Arms—Andrew Day, Russell, Lucas County.

Door-Keeper—Theo. Schreiner, Mt. Pleasant, Henry County.

Janitor—George H. Johnson, Des Moines, Polk County.

HOUSE OF REPRESENTATIVES.

No. District.	COUNTIES.	NAMES OF MEMBERS.	POST-OFFICE.
1	Lee.....	J. D. M. Hamilton.....	Fort Madison.....
2	Des Moines.....	Jacob H. Lessenger.....	West Point.....
		John M. Kopp.....	Dodgeville.....
3	Henry.....	Walcott Seymour.....	Danville.....
		Jacob Kauffman.....	Mt. Pleasant.....
4	Jefferson.....	William Allen.....	New London.....
5	Van Buren.....	John Heron.....	Lockridge.....
6	Wapello.....	Oliver H. P. Scott.....	Farmington.....
		Joseph A. Israel.....	Ashland.....
7	Davis.....	Wilson A. Fast.....	Eddyville.....
8	Monroe.....	Loyal D. Hotchkiss.....	Bloomfield.....
9	Appanoose.....	R. Wallace Duncan.....	Albia.....
10	Lucas.....	Samuel T. Sherrard.....	Walnut City.....
11	Wayne.....	Smith H. Mallory.....	Chariton.....
12	Clarke.....	Greenwood Wright.....	Confidence.....
13	Decatur.....	John Stephenson.....	Osceola.....
14	Union.....	William S. Warnock.....	Davis City.....
15	Ringgold.....	James Doty.....	Afton.....
16	Adams.....	Allen Higgins.....	Clipper.....
17	Taylor.....	George A. Morse.....	Corning.....
18	Montgomery.....	James P. Flick.....	Bedford.....
19	Page.....	George T. Ashby.....	Red Oak.....
20	Mills.....	Edwin B. Hoag.....	College Springs.....
21	Fremont.....	John Y. Stone.....	Glenwood.....
22	Pottawattamie.....	Joseph Rhodes.....	Tabor.....
		George Carson.....	Council Bluffs.....
23	Cass.....	Benj. F. Clayton.....	Macedonia.....
24	Madison.....	Ol Coomes.....	Wiota.....
25	Warren.....	William F. Hadley.....	Winterset.....
26	Marion.....	George Wright.....	Norwalk.....
		William M. Stone.....	Knoxville.....
27	Mahaska.....	John B. Elliott.....	Knoxville.....
		John R. Nichol.....	New Sharon.....
28	Keokuk.....	Horace W. Gleason.....	Oskaloosa.....
29	Washington.....	Matthias Williams.....	Hayesville.....
30	Louisa.....	Benoni Parkinson.....	Ainsworth.....
31	Muscatine.....	George Jamison.....	Wapello.....
		F. A. J. Gray.....	Sweetland Center.....
32	Scott.....	Isaac R. Terry.....	Wilton.....
		Chas. M. Waterman.....	Davenport.....
		Bruce T. Seaman.....	Davenport.....
		Ernst Mueller.....	Davenport.....
33	Cedar.....	Elwood Macy.....	Springdale.....
34	Johnson.....	Moses Bloom.....	Iowa City.....
		George Paul.....	Iowa City.....
35	Iowa.....	Norman B. Holbrook.....	Marengo.....
36	Poweshiek.....	Andrew J. Wood.....	Brooklyn.....
37	Jasper.....	John C. Hiatt.....	Lynnville.....
		Joel W. Deweese.....	Prairie City.....
38	Polk.....	Jerry B. Tiffin.....	Des Moines.....
		Clarence S. Wilson.....	Des Moines.....
39	Dallas.....	William S. Russell.....	Perry.....
40	Guthrie.....	Thomas Seeley.....	Guthrie Center.....

STATE GOVERNMENT.

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HOUSE OF REPRESENTATIVES—CONTINUED.

No. District.	COUNTIES.	NAMES OF MEMBERS.	POST-OFFICE.
41	Harrison.....	Henry B. Lyman.....	Dunlap.....
42	Boone.....	George W. Crooks...	Boone
43	Story.....	Frank Curtis.....	Nevada
44	Marshall.....	John M. Parker.....	Marshalltown
45	Tama.....	Gamaliel Jaqua.....	Traer.....
46	Benton.....	John McCartney ...	Vinton
		E. S. Johnson	Belle Plaine...
47	Linn.....	Irving P. Bowdish...	Waubeek.....
		William Ure.....	Fairfax
48	Jones.....	Silas M. Yoran	Monticello
49	Clinton.....	John A. Young	Elvira.....
		Artemus A. Gardner	Lost Nation...
50	Jackson.....	Justin W. Miles.....	Miles.....
		Philip P. Bradley....	Andrew.....
51	Dubuque.....	Frederick M. Knoll..	Sageville
		Dennis O'Brien.....	Melleray.....
		Fred O'Donnell.....	Dubuque
52	Delaware.....	Joseph Chapman.....	Colesburg.....
53	Buchanan.....	John Calvin.....	Newtonville...
54	Black Hawk.....	Jeremiah L. Gay.....	Cedar Valley..
		Lore Alford.....	Waterloo.....
55	Grundy.....	George Wells.....	Steamb't Rock
56	Hardin.....	Edward Taylor.....	New Prov'd'ce
57	Hamilton.....	Ira H. Tremain.....	Webster City..
58	Webster.....	Oliver Tyson.....	Lehigh.....
59	Woodbury.....	James H. Bolton	Sioux City.....
60	Butler	Alvin M. Whaley....	Aplington
61	Bremer.....	John K. L. Maynard	Janesville
62	Fayette.....	Henry Rickel.....	West Union...
63	Clayton.....	Alexander Bliedung	Guttenburg....
		Thomas Updegraff...	McGregor
64	Allamakee.....	Benjamin Ratcliff...	Clear Creek....
65	Winneshiek.....	Henry A. Baker.....	Ossian
		Hiram C. Manning...	Burr Oak.....
66	Howard.....	Charles E. Brown.....	Lime Springs..
67	Chickasaw.....	William B. Perrin....	Nashua
68	Mitchell.....	John Gammons.....	Cardiff
69	Floyd.....	Orlo H. Lyon.....	Rockford.....
70	Plymouth, Sioux and Lyon.....	William Barrett.....	Le Mars.....
71	Monona, Crawford and Ida.....	Elijah Peake	Onawa.....
72	Cherokee, Buena Vista, Pocahontas and Sac.	L. H. Gordon.....	Newell
73	Greene, Carroll and Calhoun.....	Orlando H. Manning	Carroll City...
74	Adair, Audubon and Shelby.....	John A. Hallock.....	Exira.....
75	Clay, Osceola, O'Brien and Dickinson.....	Charles McAllister...	Spencer
76	Emmet, Palo Alto, Kossuth and Humboldt..	John J. Wilson.....	Algona
77	Wright, Winnebago, Hancock and Worth....	A. C. Walker	Northwood
78	Cerro Gordo and Franklin.....	John H. King	Hampton

OFFICERS OF THE HOUSE OF REPRESENTATIVES.

Speaker—John Y. Stone, Glenwood, Mills county.

Chief Clerk—Wm. V. Lucas, Mason City, Cerro Gordo county.

First Assistant Clerk—Ben Van Steinburg, Preston, Jackson county.

Second Assistant Clerk—Thos. J. Reigart, Prairie City, Jasper county.

Engrossing Clerk—Ada P. Gaston, Vinton, Benton county.

Enrolling Clerk—Mrs. M. A. Norris, Oskaloosa, Mahaska county.

Sergeant-at-Arms—L. F. Mullins, Anita, Cass county.

Postmasters—

Alice C. Coffin, Marshalltown, Marshall county.

Louise Rehkopf, Bentonsport, Van Buren county.

Doorkeeper—George D. Rose, Des Moines, Polk county.

Janitor—R. C. White, Glenwood, Mills county.

Assistant Janitor—J. F. Morse, Brooklyn, Poweshiek county.

Mail Carrier—J. D. McGarraugh, Adelphi, Polk county.

COMMISSIONERS IN OTHER STATES.

List of Commissioners for Iowa in other States, qualified to act as such this 14th day of May, 1878, whose terms of office will not expire prior to July 4, 1878, published as required by Section 274 of the Code of 1873, showing the name, Post-office and date of Commission, Qualification, and Expiration of Commission.

ARIZONA.

NAME.	POST-OFFICE.	DATE OF COMMISSION.	DATE AFTER WHICH QUALIFIED TO ACT.	DATE OF EXPIRATION.
Will D. Southworth	Prescott	Sept. 21, 1876...	Oct. 7, 1876...	Oct. 3, 1879...

CALIFORNIA.

John H. B. Wilkins	San Francisco..	Aug. 21, 1875...	Sept. 4, 1875...	Sept. 3, 1878...
James R. Lowe.....	San Jose.....	April 26, 1876...	May 5, 1876...	May 3, 1879...
N. Proctor Smith	San Francisco..	June 24, 1876...	July 6, 1876...	July 3, 1879...
Jay E. Russell.....	San Francisco..	Aug. 31, 1876...	Sept. 15, 1876...	Sept. 3, 1879...
E. V. Joice	San Francisco..	Oct. 23, 1876...	Nov. 4, 1876...	Nov. 3, 1879...

COLORADO.

E. Walden Brewster	Denver	Jan. 16, 1877...	Feb. 20, 1877...	Feb. 3, 1880...
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CONNECTICUT.

Edward Goodman	Hartford	Sept. 7, 1876...	Sept. 22, 1876...	Sept. 8, 1879...
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GEORGIA.

John W. Burroughs.....	Savannah	June 20, 1876...	June 30, 1876...	June 23, 1879...
J. P. A. DuPont	DuPont	May 12, 1877...	June 4, 1877...	June 3, 1880...

ILLINOIS.

Philip A. Hoyne	Chicago	June 28, 1876...	July 4, 1876...	July 3, 1879...
Simeon W. King.....	Chicago	July 1, 1876...	July 5, 1876...	July 3, 1879...
S. S. Willard	Chicago	Jan. 25, 1878...	Feb. 4, 1878...	Feb. 3, 1881...
John B. Thomas.....	Chicago	Feb. 19, 1878...	March 4, 1878...	March 3, 1881...

LOUISIANA.

Andrew Hero, Jr	New Orleans....	Dec. 1, 1876...	Dec. 15, 1876...	Dec. 14, 1879...
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MAINE.

James O'Donnell.....	Portland	July 5, 1876...	July 18, 1876...	July 7, 1879...
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COMMISSIONERS IN OTHER STATES—CONTINUED.

MARYLAND.

NAME.	POST-OFFICE.	DATE OF COMMISSION.	DATE AFTER WHICH QUALIFIED TO ACT.	DATE OF EXPIRATION.
Joseph T. Atkinson	Baltimore	March 23, 1876...	April 5, 1878...	April 3, 1879...
James S. Key.	Baltimore	June 22, 1876...	July 5, 1878...	July 3, 1879...
William B. Hill	Baltimore	July 1, 1876...	July 6, 1878...	July 3, 1879...
Murray Hanson	Baltimore	July 13, 1876...	Aug. 25, 1878...	Aug. 3, 1879...
Henry R. Dulany	Baltimore	Jan. 22, 1877...	March 6, 1877...	Feb. 3, 1880...
Ph. H. Hoffman	Baltimore	Jan. 2, 1878...	Jan. 7, 1878...	Jan. 3, 1881...

MASSACHUSETTS.

George Shipton	Pittsfield	Oct. 19, 1875...	Nov. 4, 1875...	Nov. 3, 1878...
Edward J. Jones	Boston	Feb. 5, 1876...	Feb. 18, 1876...	Feb. 17, 1879...
James B. Bell	Boston	June 14, 1876...	July 4, 1876...	July 3, 1879...
Samuel Jenulson	Boston	June 16, 1876...	July 4, 1876...	July 3, 1879...
James W. Chapman	Boston	Nov. 13, 1876...	Dec. 5, 1876...	Dec. 3, 1879...
John L. Coffin	Boston	March 2, 1877...	March 6, 1877...	March 3, 1880...
George T. Angell	Boston	March 22, 1877...	April 4, 1877...	April 3, 1880...
Horatio Woodman	Boston	May 28, 1877...	June 4, 1877...	June 3, 1880...
Edward C. Perkins	Boston	Oct. 2, 1877...	Nov. 4, 1877...	Nov. 3, 1880...
J. Henry Hill	Worcester	Nov. 19, 1877...	Dec. 4, 1877...	Dec. 3, 1880...
David F. Kimball	Boston	Feb. 2, 1878...	Feb. 6, 1878...	Feb. 3, 1881...
Hamilton D. Clark	Medford	Feb. 12, 1878...	March 4, 1878...	March 3, 1881...
B. A. G. Fuller	Boston	March 20, 1878...	April 4, 1878...	April 3, 1881...
Edward T. Merrihew	Boston	April 17, 1878...	May 15, 1878...	May 14, 1881...

MISSOURI.

C. D. Greene, Jr.	St. Louis	Aug. 2, 1876...	Aug. 5, 1876...	Aug. 3, 1879...
Julius Robertson	St. Louis	Sept. 16, 1876...	Nov. 17, 1876...	Sept. 19, 1879...
John W. Hodgkin	St. Louis	Nov. 15, 1876...	Dec. 4, 1876...	Dec. 3, 1879...
C. S. Charlott	St. Louis	March 25, 1878...	April 4, 1878...	April 3, 1881...

NEW HAMPSHIRE.

Thomas J. Morrison	Manchester	Nov. 10, 1875...	Nov. 15, 1875...	Nov. 14, 1878...
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NEW JERSEY.

George P. Kingsley	Orange	May 9, 1876...	June 4, 1876...	June 3, 1879...
Henry J. Stratenmeyer, Jr.	Elizabeth	Dec. 14, 1877...	Jan. 4, 1878...	Jan. 3, 1881...

NEW YORK.

Lyman P. Perkins	Buffalo	July 24, 1875...	Aug. 4, 1875...	Aug. 3, 1878...
Elenzer Jackson	New York	Nov. 16, 1875...	Dec. 4, 1875...	Dec. 3, 1878...
Francis P. Burke	New York	Jan. 24, 1876...	Jan. 19, 1876...	Jan. 18, 1879...
John A. Hillery	New York	Feb. 2, 1876...	Feb. 15, 1876...	Feb. 14, 1879...
George W. Browne	New York	Feb. 22, 1876...	March 8, 1876...	March 10, 1879...
Richard M. Bruno	New York	Feb. 29, 1876...	March 31, 1876...	April 30, 1879...
Monroe Crannell	Albany	May 13, 1876...	May 18, 1876...	May 15, 1879...
John B. Dumont	New York	April 13, 1876...	May 4, 1876...	May 3, 1879...
Thomas F. Ward	New York	May 13, 1876...	May 20, 1876...	May 19, 1879...
Marvin J. Merchant	New York	April 17, 1876...	May 27, 1876...	April 19, 1879...
James D. Warner	New York	June 14, 1876...	June 19, 1876...	June 16, 1879...
Joseph B. Nones	New York	June 26, 1876...	July 4, 1876...	July 3, 1879...
Henry C. Banks	New York	July 3, 1876...	July 8, 1876...	July 3, 1879...
William Savage	Brooklyn	July 25, 1876...	Aug. 4, 1876...	Aug. 3, 1879...
Edwin F. Corey	New York	Sept. 7, 1876...	Sept. 20, 1876...	Sept. 8, 1879...
Edward Wade	Albany	Oct. 21, 1876...	Nov. 13, 1876...	Nov. 3, 1879...
Harold A. Bagley	New York	Dec. 2, 1876...	Dec. 15, 1876...	Dec. 14, 1879...
Armour C. Anderson	New York	Jan. 3, 1877...	Jan. 6, 1877...	Jan. 3, 1880...
Joseph Hillman	Troy	Jan. 19, 1877...	Feb. 4, 1877...	Feb. 3, 1880...
William F. Lett	New York	Feb. 2, 1877...	Feb. 5, 1877...	Feb. 3, 1880...
James Taylor	New York	March 2, 1877...	March 6, 1877...	March 3, 1880...
William E. Osborn	Brooklyn	March 13, 1877...	March 16, 1877...	March 14, 1880...

COMMISSIONERS IN OTHER STATES—CONTINUED.

NEW YORK.

NAME.	POST-OFFICE.	DATE OF COMMISSION.	DATE AFTER WHICH QUALIFIED TO ACT.	DATE OF EXPIRATION.
Thomas B. Clifford	New York.....	April 17, 1877...	June 4, 1877...	June 3, 1880...
Charles W. Anderson.....	New York.....	April 19, 1877...	May 24, 1877...	May 23, 1880...
William H. Bowers.....	New York.....	April 21, 1877...	May 4, 1877...	May 3, 1880...
George Vanderwerker.....	New York.....	June 11, 1877...	July 4, 1877...	July 3, 1880...
N. Pendleton Schenck.....	New York.....	June 23, 1877...	July 12, 1877...	July 3, 1880...
Samuel B. Goodale.....	New York.....	June 23, 1877...	July 4, 1877...	July 3, 1880...
Alexander Ostrander.....	New York.....	July 2, 1877...	July 5, 1877...	July 3, 1880...
Edward W. Francis.....	New York.....	July 20, 1877...	Aug. 4, 1877...	Aug. 3, 1880...
Rufus K. McHarg.....	New York.....	Oct. 22, 1877...	Oct. 27, 1877...	Oct. 26, 1880...
George M. Elwood.....	Rochester.....	Nov. 9, 1877...	Dec. 4, 1877...	Dec. 3, 1880...
Lucius W. How.....	New York.....	Nov. 21, 1877...	Dec. 4, 1877...	Dec. 3, 1880...
Louis Fucot.....	New York.....	Dec. 4, 1877...	Jan. 4, 1878...	Jan. 3, 1881...
Benjamin F. Hillery.....	New York.....	Jan. 14, 1878...	Jan. 31, 1878...	Jan. 14, 1881...
George R. Jaques.....	New York.....	Jan. 29, 1878...	Feb. 4, 1878...	Feb. 3, 1881...
Louis Beckhardt.....	New York.....	Feb. 9, 1878...	March 10, 1878...	March 3, 1881...
Thomas Kilvert.....	New York.....	March 1, 1878...	March 7, 1878...	March 3, 1881...
Augustus Buckingham.....	New York.....	March 23, 1878...	April 8, 1878...	April 3, 1881...

OHIO.

Samuel S. Carpenter.....	Cincinnati.....	June 23, 1876...	July 8, 1876...	July 7, 1879...
Howard Douglass.....	Cincinnati.....	Sept. 16, 1876...	May 13, 1877...	Sept. 19, 1879...
Henry C. Drinkie.....	Lancaster.....	Dec. 7, 1877...	Dec. 13, 1877...	Dec. 6, 1880...

PENNSYLVANIA.

John M. Mitchell.....	Pittsburg.....	Aug. 13, 1875...	Sept. 4, 1875...	Sept. 3, 1878...
Henry T. Morris.....	Pittsburg.....	Aug. 21, 1875...	Sept. 4, 1875...	Sept. 3, 1878...
Charles Chauncey.....	Philadelphia.....	Dec. 9, 1875...	Dec. 15, 1875...	Dec. 14, 1878...
Henry Phillips, Jr.....	Philadelphia.....	Nov. 15, 1875...	Nov. 29, 1875...	Nov. 28, 1878...
Wm. B. Wiley.....	Lancaster.....	March 11, 1876...	April 4, 1876...	April 3, 1879...
Joseph Frankish.....	Philadelphia.....	June 8, 1876...	July 4, 1876...	July 3, 1879...
Kinley J. Tener.....	Philadelphia.....	June 9, 1876...	July 4, 1876...	July 3, 1879...
John H. Wheeler.....	Philadelphia.....	June 14, 1876...	July 8, 1876...	July 7, 1879...
Wm. F. Robb.....	Pittsburg.....	July 3, 1876...	July 7, 1876...	July 3, 1879...
Samuel L. Taylor.....	Philadelphia.....	July 11, 1876...	July 15, 1876...	July 12, 1879...
Theodore D. Rand.....	Philadelphia.....	July 29, 1876...	Aug. 4, 1876...	Aug. 3, 1879...
John Sparhawk.....	Philadelphia.....	Nov. 23, 1876...	Dec. 4, 1876...	Dec. 3, 1879...
Edward Shippen.....	Philadelphia.....	Dec. 2, 1876...	Dec. 15, 1876...	Dec. 14, 1879...
Henry Reed.....	Philadelphia.....	Jan. 5, 1877...	Jan. 15, 1877...	Jan. 14, 1880...
Joseph S. Perot.....	Philadelphia.....	Feb. 26, 1877...	April 19, 1877...	April 3, 1880...
Roswell Weston.....	Philadelphia.....	March 15, 1877...	March 19, 1877...	March 18, 1880...
J. Paul Diver.....	Philadelphia.....	March 24, 1877...	April 4, 1877...	April 3, 1880...
Thomas J. Hunt.....	Philadelphia.....	Nov. 10, 1877...	Dec. 4, 1877...	Dec. 3, 1880...
Alexander Ramsey.....	Philadelphia.....	Dec. 14, 1877...	Dec. 13, 1877...	Dec. 15, 1880...
Edward S. Sayres, Jr.....	Philadelphia.....	Feb. 5, 1878...	March 4, 1878...	March 3, 1881...
Henry E. Garsed.....	Philadelphia.....	Feb. 20, 1878...	March 4, 1878...	March 3, 1881...
Francis C. Fallon.....	Philadelphia.....	Feb. 21, 1878...	March 4, 1878...	March 3, 1881...
Henry E. Hindmarsh.....	Philadelphia.....	March 11, 1878...	April 6, 1878...	April 5, 1881...

VERMONT.

George R. Bottum.....	Rutland.....	Dec. 27, 1875...	Jan. 4, 1876...	Jan. 3, 1879...
Charles Daniels.....	Grafton.....	May 9, 1876...	Aug. 7, 1876...	June 3, 1879...

WISCONSIN.

William H. Morris.....	Milwaukee.....	March 5, 1878...	April 4, 1878...	April 3, 1881...
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LAWS

OF THE

SEVENTEENTH GENERAL ASSEMBLY

OF THE

STATE OF IOWA.

PASSED AT THE REGULAR SESSION THEREOF, AT DES MOINES, THE
CAPITAL OF THE STATE, BEGUN ON THE FOURTEENTH DAY
OF JANUARY, AND ENDED ON THE TWENTY-SIXTH DAY
OF MARCH, A. D. MDCCCLXXVIII., IN THE THIRTY-
SECOND YEAR OF THE STATE.

CHAPTER 1.

TOWN OF RINGWOOD.

AN ACT To Legalize the Incorporation and the Acts of the Officers S. F. 38.
of the Town of Ringwood, in Clinton county, Iowa.

WHEREAS, On the 11th day of March, 1874, proceedings were Preamble.
instituted under the laws of the State of Iowa, for the incorpora-
tion of the town of Ringwood, in Clinton county, Iowa, and
such proceedings were afterwards had, that said town was de-
clared and adjudicated to be incorporated; and

WHEREAS, At the first election of officers held therein, on the
4th day of August, 1874, pursuant to law, a mayor, recorder, and
five trustees were duly chosen, and the officers so chosen after-
wards qualified; and

WHEREAS, No election has since been called or held, and the
officers so chosen and qualified as aforesaid, have continued to
act as such officers; now, therefore,

*Be it enacted by the General Assembly of the State of
Iowa:*

SECTION 1. That the incorporation of the said town of Ring-
wood be and the same is hereby legalized, and that all the acts Incorporation, and acts
of officers,
thereunder
legalized.
and proceedings of such officers be and the same are hereby de-
clared to be of the same force, effect, and validity as if a gen-
eral election had been duly and legally held each year as provi-
ded by law, and that each of said persons so chosen as aforesaid,

had been at such elections duly re-elected and had duly qualified themselves, and that they and each of them are hereby empowered and authorized to hold their said offices respectively and perform all the acts and duties incident thereto, until after the election and qualification of officers to be chosen at the general election to be held on the first Monday of March, A. D. 1878.

Publication. SEC. 2. This act, being deemed of immediate importance, shall take effect and be in force from and after its publication in the Iowa State Register and Iowa State Leader, without expense to the state.

Approved, January 30th, 1878,

I hereby certify that the foregoing act was published in the *Iowa State Register*, February 1, and in the *Iowa State Leader*, February 2, 1878.

JOSIAH T. YOUNG, *Secretary of State.*

CHAPTER. 2.

TOWN OF KELLOGG.

S. F. 4. AN ACT to Legalize and Correct an Error in the Proceedings and Acts Incorporating the Town of Kellogg, in Jasper county, Iowa.

Preamble. WHEREAS, Heretofore, to-wit: on the second day of August, 1873, there was filed in the circuit court of Jasper county, Iowa, a petition for the incorporation of the town of Kellogg, in said county; and,

WHEREAS, By reason of a clerical error in the description of the boundary lines in said petition, doubts have arisen as to the exact limits of said town; therefore,

Be it enacted by the General Assembly of the State of Iowa:

SECTION 1. That all the territory included in the plat attached to the petition aforesaid, and as the same now appears of record in said county, be, and the same is hereby declared as within the incorporate limits of the town of Kellogg, and the boundaries of said town shall be as follows, to-wit: Commencing at the north-west corner of the south-west quarter of the south east quarter of section twenty-three (23), township eighty (80) north, of range eighteen (18), running thence east to Coon creek, thence following the meanderings of said Coon creek down to the C., R. I. & P. R. Co's. bridge, thence in a westerly direction along the center of said railroad track fourteen (14) chains to a point twenty-two (22) chains south of the line dividing section twenty-three (23) and section twenty-six (26) in said township, thence west to a point two (2) chains south of the south-west corner of the north-east quarter of the north-east quarter of said section twenty-six (26), thence north two (2) chains, thence west to the south-west corner of the north-west quarter of the north-east quarter of said section twenty-six (26), thence north to the place of beginning.

Defining the corporate limits of town of Kellogg.

And the said proceedings to incorporate the territory within said boundaries and in the plat aforesaid are hereby legalized and declared to be of the same force and effect as though the description in said petition conformed to the plat aforesaid, and all the official acts of the acting officers of the town of Kellogg, and all the ordinances passed by the acting town council of said town, be, and the same are hereby legalized, and declared to be of the same force and effect as though the said error in the said proceedings had not occurred.

Incorporation and acts of officers thereunder legalized.

SEC. 2. This act, being deemed of immediate importance, shall take effect and be in force on and after its publication in the Iowa State Register, and Leader, newspapers published in Des Moines, without expense to the state.

Publication.

Approved, February 4th, 1878.

I hereby certify that the foregoing act was published in the *Iowa State Leader*, February 8, and *Iowa State Register*, February 9, 1878.

JOSIAH T. YOUNG, *Secretary of State*.

CHAPTER 3.

ANNEXATION OF CONTIGUOUS CITIES OR TOWNS.

AN ACT to Amend Section 432 and to Repeal Section 433 of Chapter S. F. 32, 10, Title 4, of the Code, and to provide a Substitute therefor, in relation to Cities and Towns.

Be it enacted by the General Assembly of the State of Iowa:

SECTION 1. That section 432 of the Code of Iowa be amended by striking out the words, "at least one month" and inserting in lieu thereof the words, "and one publication had thereof at least ten days."

Code, § 432 amended.

SEC. 2. That section 433 be and is hereby repealed and the following enacted in lieu thereof:

Code § 433 repealed.

Section 433. When certified copies of the proceedings for annexation are filed as contemplated in the preceding section, the annexation shall be deemed complete, and the terms and conditions mentioned in section 432 of the Code shall be part of the law for the government of the city or town to which annexation is made, and said city or town shall have the power and it shall be its duty to pass such ordinances, not inconsistent with law, as will carry into effect and maintain the terms of such annexation, and thereafter the city or town annexed shall be governed as part of the city or town to which the annexation of it is made; and any citizen of the annexed city or town may institute and maintain legal proceedings to compel the city or town, and the council or trustees thereof, to which annexation is made, to execute such terms and conditions; *Provided*, That such annexation shall not affect or impair any rights or liabilities then existing for or against either of such cities or towns, and that they

When annexation of corporations is complete.

Proviso: annexation shall not affect rights or liabilities.

Proviso:
reference to
intervening
city or town.

may be enforced the same as if no such annexation had taken place: *And provided further*, That a city or town separated from another city or town by an intervening city, town, or territory, may be annexed to such city or town in the manner herein before provided, but such annexation shall not be consummated and completed until such intervening city, town, or territory is also annexed. Any proceedings which may have been commenced under said sections as amended under the provisions of this act and prior to the taking effect of this act for the annexation of a city or town, are hereby declared valid and legal, and such proceedings may be completed in accordance with said sections and the provisions of this act.

Publication.

SEC. 3. This act, being deemed of immediate importance, shall take effect and be in force from and after the date of its publication in the Iowa State Register, and Iowa State Leader, papers published at Des Moines, Iowa, the provisions of section 33 of the Code, to the contrary notwithstanding.

Approved, February 11, 1878.

I hereby certify that the foregoing act was published in the *Iowa State Register*, and *Iowa State Leader*, February 12, 1878.

JOSIAH T. YOUNG, *Secretary of State*.

CHAPTER 4.

TOWN OF WILTON.

H. F. 71.

AN ACT to Legalize the Incorporation, Ordinances, and Acts of the Officers of the Town of Wilton, in the county of Muscatine.

Preamble.

WHEREAS, The town of Wilton, in the county of Muscatine, was incorporated in the year 1857, under the provisions of the Code of 1851, a charter adopted in due form, which was immediately filed with the county judge of Muscatine county, who failed to make any record of the preliminary measures taken by the voters of said town, and neglected to record the charter as was provided by law; and

WHEREAS, The legal voters of said town have continuously since the adoption of said charter in 1857, elected officers as provided thereby, and have by said officers continuously conducted the municipal affairs of said town as though the town had been legally incorporated, and the officers of said town have been and now are acting under said charter, and such amendments as have from time to time been made, and under such ordinances as have been passed by the acting authorities of said town, among which acts said officers, in the year 1862, procured the original charter to be recorded by the then county judge on the proper records of municipal incorporations. And recently doubts having been raised as to the legality of said original in-

corporation and subsequent recording of said charter and the ordinances passed thereunder; therefore,

Be it enacted by the General Assembly of the State of Iowa:

SECTION 1. That the original incorporation of the town of Wilton, in Muscatine county, with all amendments and changes made in the charter of said town, all ordinances and acts of said corporation, and the officers acting by virtue of authority conferred thereby, be and the same are hereby legalized, and to have the same force and effect as if said original incorporation had been in strict compliance with the law then in force. Incorporation and acts of officers thereunder legalized.

SEC. 2. This act, being deemed of immediate importance, shall take effect from and after its publication in the Iowa State Register and Wilton Review, provided such publication shall not be at the expense of the state. Publication.

Approved, February 12, 1878.

I hereby certify that the foregoing act was published in the *Iowa State Register*, February 16, and in the *Wilton Review*, February 21, 1878.

JOSIAH T. YOUNG, *Secretary of State*.

CHAPTER 5.

OLE HULVERSON, N. P.

AN ACT to Legalize the Official Acts as Notary Public of Ole Hulver- S. F. 180.
son, of Clayton county.

WHEREAS, Ole Hulverson, born in Norway, believing himself to have been a citizen of the United States by virtue of the naturalization of his father, held and exercised the office of notary public in and for Clayton county, Iowa, under commissions from the governor of said State, during the period between October 16th, 1857; and September 20th, 1863; and Preamble.

WHEREAS, The evidence of said naturalization has been lost and doubts exist as to the validity of the official acts of said Hulverson; therefore,

Be it enacted by the General Assembly of the State of Iowa:

SECTION 1. That all official acts of the said Ole Hulverson as notary public in and for Clayton county, during the period between October 16, 1857, and September 20, 1863, be and the same are hereby legalized and declared valid and binding in all respects, as fully to all intents and purposes as if he had been during the period aforesaid a lawful citizen of the United States and of the State of Iowa, and eligible to the said office. Official acts legalized.

Approved, February 12, 1878.

CHAPTER 6.

INDEPENDENT SCHOOL DISTRICT OF MARTELLE.

H. F. 40. AN ACT to Legalize the Acts of, and to Establish the Independent School District of Martelle.

Be it enacted by the General Assembly of the State of Iowa:

SECTION 1. That the formation of the independent school district of Martelle, in Jones county, and the acts of its officers under the same, as well as the acts of the board of directors of district township of Linn, Linn county, in attaching a part of sub-district number 7, to the independent school district of Martelle, are hereby legalized.

Formation of district and acts of officers thereunder legalized.

SEC. 2. This act, being deemed of immediate importance, shall take effect and be in force from and after its publication in the State Register, a newspaper published in the city of Des Moines, and the Anamosa Eureka, a paper published in Jones county, provided such publication be made without expense to the State.

Publication.

Approved, February 15, 1878.

I hereby certify that the foregoing act was published in the *Iowa State Register*, February 26, 1878.

JOSIAH T. YOUNG, *Secretary of State.*

CHAPTER 7.

SALE OF SCHOOL LANDS IN CHEROKEE COUNTY.

S. F. 59. AN ACT to Legalize the Sale of certain School Lands in Cherokee county, Iowa.

Preamble. WHEREAS, The board of supervisors of Cherokee county, Iowa, did, at their regular session, in September, A. D. 1871, authorize the auditor of said county to exchange the contract made January 1st, A. D. 1870, between said county and John A. Sanborn, for the sale of the south half of section No. (16) sixteen, in township No. (92) ninety-two, of range No. (39) thirty-nine, west of the 5th P. M., in Cherokee county, Iowa, for the price of two dollars and fifty-three and 44-100 cents per acre, for two other contracts, entered into between said county and John A. Sanborn and James C. Richardson, respectively; and

WHEREAS, Said auditor, by virtue of said authority did, on the fifth day of September, 1871, make a contract with said James C. Richardson for the sale of the east half of the south-east quarter of said section sixteen, for the price of two dollars and fifty-three and 44-100 cents per acre, which was approved on the same day by said board of supervisors; and

WHEREAS, Doubts have arisen as to the validity of said contract; therefore,

Be it enacted by the General Assembly of the State of Iowa:

SECTION 1. That the sale of said land to said Richardson is hereby legalized and made valid, and the proper authorities are hereby authorized and empowered to issue a patent of said real estate to said James C. Richardson, or his assigns, upon payment of the contract price therefor. Sale of land legalized, and patent to be issued

SEC. 2. This act, being deemed of importance, shall be in force and effect from and after its publication in the Iowa State Register, a newspaper published at Des Moines, Iowa, and the Cherokee Times, a newspaper published at Cherokee, Iowa, without expense to the state. Publication

Approved, February 19, 1878.

I hereby certify that the foregoing act was published in the *Iowa State Register*, February 28, and in the *Cherokee Times*, February 28, 1878.

JOSIAH T. YOUNG, *Secretary of State.*

CHAPTER 8.

TOWN OF SHELTON.

AN ACT to Legalize the incorporation of the Town of Sheldon and H. F. 286.
its Ordinances and the acts of its Officers thereunder.

WHEREAS, The inhabitants of the town of Sheldon, in O'Brien county, Iowa, did on the 25th day of March, 1876, by a large majority vote in favor of incorporating said town; and Preamble

WHEREAS, All the requirements of law in regard to said incorporation have been complied with except that the original petition which was signed by more than thirty of the electors of said town, was presented to the clerk of the circuit court of O'Brien county instead of the circuit judge, which said clerk appointed the five commissioners and acted in place of the circuit judge in regard to said incorporation, although the proceedings of said incorporation of the town of Sheldon were read in open court in the April term of the said O'Brien county circuit court and approved by the judge thereof; and

WHEREAS, The council of said town of Sheldon did make and adopt laws, rules and ordinances for the government of the said town of Sheldon; and

WHEREAS, A certain number of ordinances of said town of Sheldon were passed by the council of said town by the suspension of the rules, and when three-fourths of the entire council were not present, although a majority of said council were present and voted upon the passage of said ordinances; and

WHEREAS, Doubts exist as to the legality of such incorporation, and the official acts of said council and officers of said town.

'and of the validity of certain ordinances as aforesaid; therefore,
Be it enacted by the General Assembly of the State of Iowa:

Incorporation, and acts of officers thereunder legalized.

SECTION 1. That the incorporation of said town of Sheldon be, and the same is hereby legalized, and all the ordinances passed, and all the rules and regulations adopted by the council of said town, and all the official acts of the officers be, and the same are hereby declared to be, legal and valid in every respect, as fully and completely as if the law had been strictly complied with as provided in chapter 10, of the Code.

Publication.

SEC. 2. This act, being deemed of immediate importance, shall take effect and be in full force on and after its publication in the Iowa State Register, published in Des Moines, and the Sheldon Mail, a newspaper published in Sheldon, Iowa, without expense to the state.

Approved, February 19, 1878.

I hereby certify that the foregoing act was published in the *Sheldon Mail* March 1, 1878. JOSIAH T. YOUNG, *Secretary of State.*

CHAPTER 9.

OFFICERS OF INCORPORATED TOWNS.

H. F. 75.

AN ACT to Repeal Sections 511 and 512, Chapter 10, Title IV., of the Code, and to enact Substitutes therefor.

Be it enacted by the General Assembly of the State of Iowa:

Code, §§ 511 and 512 repealed.

SECTION 1. That sections 511 and 512 of the Code, be and the same are hereby repealed, and the following enacted as substitutes therefor:

Officers of.

Section 511. The corporate authority of incorporated towns organized for general purposes shall be vested in one mayor, one recorder, and six trustees, to be elected by the people, who shall be qualified electors residing within the limits of the corporation, and who shall constitute the council of the incorporated town, any five of whom shall constitute a quorum for the transaction of business. The mayor and recorder shall hold their offices for one year, and the trustees shall hold their offices for three years. At the first election after this law is in force six trustees shall be elected, two of whom shall serve for one year, two for two years, and two for three years, to be determined by lot at the first meeting of the council after the trustees are qualified, and thereafter two trustees shall be elected annually.

Duties of mayor and recorder.

Sec. 512. The mayor shall preside at all meetings of the council, and in the absence of the mayor the council shall elect one of their number to preside *pro tempore*. The recorder shall be clerk of the corporation and shall attend all meetings of the council, and shall make a fair and accurate record of all proceed-

ings, rules and ordinances made and passed by the council, and the same shall at all times be open to the inspection of the electors of the corporation, but in no event shall the recorder have the right to vote on any question before the council.

Approved, February 19th, 1878.

CHAPTER 10.

SALE OF SCHOOL LANDS IN POTTAWATTAMIE COUNTY.

AN ACT to Legalize the Sale of certain School Lands in Pottawattamie S. F. 29. county, Iowa.

WHEREAS, The board of supervisors of Pottawattamie county, Preamble. Iowa, did, at a regular session held in June, A. D. 1869, authorize the sale of certain school lands in said county and state hereinafter described :

WHEREAS, In pursuance of such order, said county did sell the following described tracts of land, at the appraised value, to the following named persons, to wit:

The s. e. qr. of n. e. qr., section 16, township 77, range 42, to Lucinda G. Clark.

The n. half of s. e. qr. of s. w. qr. of n. e. qr. of section 16, township 77, range 42, to Fielding Steel.

The s. w. qr., and e. half of n. w. qr. of section 16, township 77, range 42, to George W. Rodgers.

The w. half of n. w. qr. of section 16, township 77, range 42, to Coleman Fisher.

The n. half of n. e. qr., and s. half of s. e. qr., section 16, township 77, range 42, to W. T. Robinson.

The e. half of n. w. qr., and s. w. qr. of n. e. qr. of section 16, township 77, range 43, to John Wright; and,

WHEREAS, Said lands were sold without first being advertised, as was required by chapter 86, section 1971, of the revision of 1860; and,

WHEREAS, The following described lands have heretofore been patented by the state to the following named persons, to-wit:

The w. half of n. w. qr. of section 16, township 77, range 42, to Coleman Fisher, September 29, 1869.

The n. half of n. e. qr., and s. half of s. e. qr. of section 16, township 77, range 42, to Elijah N. Robinson, January 19, 1870.

The s. e. qr. of n. e. qr., section 16, township 77, range 42, to Riley Clark, September 10, 1872.

The s. e. qr. of n. w. qr., section 16, township 77, range 43, to Jesse Wright, May 1, 1874.

The n. e. qr. of n. w. qr. of section 16, township 77, range 43, to W. H. Pike, May 1, 1874.

The s. w. qr. of n. e. qr., section 16, township 77, range 43, to James M. Axtell, May 1, 1874; now, therefore,

Be it enacted by the General Assembly of the State of Iowa:

Sale of school
lands legal-
ized.

SECTION 1. That the acts of the board of supervisors of Pottawattamie county, Iowa, in selling and transferring the said school lands hereinbefore named, are hereby declared legal and valid, the same as though all of the requirements of law had been strictly complied with.

Patents legal-
ized.

SEC. 2. That the patents heretofore issued by the state, by virtue of said sale, be and the same are hereby declared legal and valid.

Issuance of
other patents
authorized.

SEC. 3. That on the fulfillment of the terms of the contracts of sale made by said county of Pottawattamie, to Fielding Steel, for the n. half of s. e. qr. of the s. w. qr. of n. e. qr. of section 16, township 77, range 42, and to George W. Rodgers, for the s. w. qr., and the e. half of the n. w. qr. of section 16, township 77, of range 42, the said Fielding Steel and George W. Rodgers, or their assigns, shall be and they are hereby declared to be entitled to receive the requisite patents to the lands purchased by them, as above set forth.

Approved, February 20, 1878.

CHAPTER 11.

INDEPENDENT SCHOOL DISTRICT NO. 7, DECATUR COUNTY.

S. F. 50.

AN ACT to Legalize the Organization and Official Proceedings of Independent District No. 7, of Decatur Township, in Decatur county.

Preamble.

WHEREAS, Certain territory ceded by independent districts numbers one and seven, in Decatur township, Decatur county, Iowa, was, in the month of March, A. D., 1877, organized as independent district number seven, in said township; a board of directors elected, to serve as directors of said independent district; taxes levied; a school-house erected; a teacher employed, and other acts done which, by law, devolve upon the electors and directors of independent school districts; and,

WHEREAS, Doubts have arisen concerning the legality of said independent district organization; therefore,

Be it enacted by the General Assembly of the State of Iowa:

Organization
of district,
and acts of of-
ficers legal-
ized.

SECTION 1. That the organization of independent district number seven, in Decatur township, Decatur county, Iowa, the election of directors for said independent district, the levy of taxes therein, and all other official acts of said directors, be, and the same are hereby legalized and made valid, the same as though the said independent district was organized in strict conformity with all the requirements of law.

SEC. 2. This act, being deemed of immediate importance, shall be in force from and after its publication in the State Register, and Decatur County Journal, newspapers published at Des Moines, and Leon, Iowa, provided such publication shall be without expense to the state. Publication.

Approved, February 20, 1878.

I hereby certify that the foregoing act was published in the *Iowa State Register*, February 23, and in the *Decatur County Journal*, February 28, 1878.

JOSIAH T. YOUNG, *Secretary of State.*

CHAPTER 12.

TOWNSHIP TRUSTEES.

AN ACT to Amend Section 591, Title 5, Chapter 1, of the Code, relating to Terms of Office of Township Trustees. S. F. 68.
Code, § 591
amended.

Be it enacted by the General Assembly of the State of Iowa:

SECTION 1. That there shall be three trustees elected in each township, who shall hold their office for the term of three years, except as hereinafter provided. Term of office.

SEC. 2. At the general election in 1878 there shall be elected in each township of the state, three trustees, one of whom shall hold his office for one year, one for two years, and one for three years, their respective terms to be determined by lot by the board of canvassers of said township; and annually thereafter there shall be one trustee elected, who shall continue in office for three years and until his successor is elected and qualified. Same.

SEC. 3. All acts and parts of acts inconsistent with the provisions of this act are hereby repealed. Repealing
clause.

Approved, February 20, 1878.

CHAPTER 13.

LEGALIZING SPECIAL TERMS OF COURT.

AN ACT to Legalize certain Orders for Special Terms of Court and the Proceedings therein. S. F. 214.

Be it enacted by the General Assembly of the State of Iowa:

SECTION 1. That all orders heretofore entered at a regular Orders for.

Holding of, term of any district or circuit court within the state, providing for and ordering a special term of said court, for the trial of causes pending in said court at said regular term, are hereby legalized and made valid; and the holding of any special term that has been or may hereafter be held under said order heretofore entered as aforesaid, is hereby legalized and authorized, and all proceedings at said special term shall be, and are hereby made as valid and binding as though the same were made and had at a regular term of said court.

And proceedings at, legalized.

Publication. SEC. 2. This act, being deemed of immediate importance, shall take effect and be in force from and after the date upon which publication thereof is made in the Iowa State Register, and Iowa State Leader, newspapers published at Des Moines, Iowa, the provisions of section thirty-three of the Code to the contrary notwithstanding.

Approved, February 23, 1878.

I hereby certify that the foregoing act was published in the *Iowa State Leader*, February 23, and in the *Iowa State Register*, February 24, 1878.

JOSIAH T. YOUNG, *Secretary of State*,

CHAPTER 14.

ELECTION OF ALDERMEN IN CITIES OF FIRST AND SECOND CLASS.

S. F. 40. AN ACT to Amend Section 521 of the Code, Title 4, Chapter 10, of Cities and Incorporated Towns.

Be it enacted by the General Assembly of the State of Iowa:

SECTION 1. That section 521 of the Code is hereby repealed, and there is enacted in lieu thereof the following:

Code, § 521 repealed.

Election of councilmen: cities of second class.

Same: cities of first class.

SEC. 521. In cities of the second class the qualified electors of each ward shall, on the first Monday of March of each year, elect by a plurality of votes one member of the city council, who shall at the time be a resident of the ward and a qualified elector therein. His term of office shall be two years. So that there may always be in the council two members from the same ward whose term of office shall expire in different years; but at the first election held on the organization of a new city government under this chapter, two members of the city council shall be elected in each ward, and the city council shall determine by lot their term of service, so that one trustee from each ward may serve for two years, and one for one year. In cities of the first-class, the qualified electors of each ward shall, on the first Monday of March of the year 1878, and each second year thereafter, elect, by a plurality of votes, one member of the city council, who shall at the time be a resident of the ward and a qualified

elector thereof. And in each of the same years the qualified electors of cities of this class shall also elect two members at large of such city council, each of whom shall be a resident and qualified elector of the city in which he shall be so elected. The members of said council shall hold their offices for two years and until their successors are elected and qualified. As soon as the members of the city council of cities of the first-class, elected at the first election after the passage of this act, shall have been qualified, the term of office of all members whose terms would not otherwise expire until the first Monday in March, 1879, shall at once cease and determine.

Councilmen
at large.

SEC. 2. *Provided*, That when any city of the first-class numbers within its corporate limits the whole or parts of two or more different townships, that only one of the aldermen-at-large herein provided for shall be elected from any one of such township[s] or part of townships.

Proviso:
cities contain-
ing more
than one
township.

SEC. 3. This act being deemed of immediate importance, shall take effect and be in force from and after its publication in the Iowa State Register, and Iowa State Leader, newspapers published at Des Moines, Iowa, section 33 [of the Code] to the contrary notwithstanding.

Publication.

Approved, February 23, 1878.

I hereby certify that the foregoing act was published in the *Iowa State Leader*, February 23, and in the *Iowa State Register*, February 24, 1878.

JOSIAH T. YOUNG, *Secretary of State*.

CHAPTER 15.

TOWN OF OSSIAN.

AN ACT to Legalize the Incorporation of the Town of Ossian, in Winneshiek county, Iowa, its Ordinances, and the Acts of its Officers thereunder. H. F. 185.

WHEREAS, Under and by virtue of chapter 10, title 4, of the Code of Iowa of 1873, proceedings were had for the incorporation of the town of Ossian; and

Preamble.

WHEREAS, Doubts have arisen as to the legality of said incorporation, and it is pretended full compliance with the statute providing for the incorporation of towns was not had, and especially claiming that the application to the circuit court was not made as required by law; that the election for the incorporation was not properly noticed and held; that the commissioners did not make returns, and that no publication was made, and the certified copies so required by section 423 of said chapter 10 were not filed and recorded as required by law; and

WHEREAS, The council of the said town of Ossian did make and adopt laws, rules, and ordinances for the government of said

town, and have performed such other duties devolving upon them, including the levy of taxes, as authorized by law; therefore,
Be it enacted by the General Assembly of the State of Iowa:

Incorporation legalized.

SECTION 1. That the incorporation of the said town of Ossian, be, and the same is hereby legalized as fully and completely as if all the requirements of the Code of Iowa, 1874, relating to the incorporation of towns had been strictly complied with.

Ordinances and acts legalized.

SEC. 2. That all ordinances passed and the rules and regulations adopted by the council of said town, and all taxes levied, and all the official acts of said council and officers thereunder within the legal limits of the powers of incorporated towns, be, and the same are hereby legalized as fully and completely as if no such defects in the incorporation of said town existed.

Publication.

SEC. 3. This act, being deemed of immediate importance, shall take effect from and after its publication in the *Iowa State Register*, a paper published at Des Moines, and in the *Decorah Republican*, a paper published at Decorah, Iowa, without expense to the state.

Approved, February 23, 1878.

I hereby certify that the foregoing act was published in the *Iowa State Register*, February 26, and in the *Decorah Republican*, March 1, 1878.

JOSIAH T. YOUNG, *Secretary of State*.

CHAPTER 16.

INDEPENDENT DISTRICT NO. 7, CHICKASAW COUNTY.

H. F. 170.

AN ACT to Legalize Independent District Number Seven, of Dayton Township, in Chickasaw county, Iowa.

Preamble.

WHEREAS, Independent district number seven, of Dayton township, Chickasaw county, Iowa, composed of sections twenty-seven, twenty-eight, thirty-three and thirty-four, of township ninety-five north, of range thirteen west of the 5th P. M., was duly formed from the territory aforesaid. Said territory having been set off from adjacent independent districts for the purpose of being formed into said district number seven, all the laws of the State in relation to the forming of such independent district having been fully complied with; and

WHEREAS, On the tenth of April, 1877, the electors of said independent district held their first election upon notice duly given, at which election officers for said district were elected in accordance with requirements of law; and

WHEREAS, Said officers have been duly qualified and performed all the duties of their respective offices; and

WHEREAS, Said independent district is exercising all the functions and powers of independent districts in the State; but

WHEREAS, Doubts have arisen as to the legality of the formation and organization of such independent district; therefore,

Be it enacted by the General Assembly of the State of Iowa :

SECTION 1. That the formation and organization of independent district number seven, of Dayton township, Chickasaw county, Iowa, be legalized and the official acts of its officers be made legal and binding, as when done in compliance with the law governing independent districts in the State. Formation of district and acts of officers legalized.

SEC. 2. This act, being deemed of immediate importance, shall take effect from and after its publication, without expense to the state, in the Iowa State Register, and the New Hampton Courier, newspapers published in Polk and Chickasaw counties, Iowa. Publication.

Approved, February 23, 1878.

I hereby certify that the foregoing act was published in the *New Hampton Courier*, February 28, and in the *Iowa State Register*, March 1, 1878.

JOSIAH T. YOUNG, *Secretary of State.*

CHAPTER 17.

RELIEF OF JOSEPH BONE.

AN ACT for the Relief of Joseph Bone.

S. F. 5.

WHEREAS, The State of Iowa selected the south east quarter of section number seven (7) in township number eighty-seven (87) north, of range number twenty-six (26) west of the 5th P. M., Iowa, as school land, under the 500,000 acre tract, and sold the same to Joseph Bone, October 2nd, A. D., 1865, for the sum of three hundred and ninety-five (\$395.00) dollars, then paid by him and issued him a patent therefor; and, Preamble.

WHEREAS, It has been adjudged by the court that the said land enured to the Des Moines Navigation Company under the settlement of the state made with said company in 1858, and that the said Bone acquired no title by said purchase from the state; and,

WHEREAS, There is now due the said Joseph Bone from the State of Iowa, the said purchase money with six per cent. interest, amounting to six hundred and eighty-seven and 30-100 (\$687.30) dollars; therefore,

Be it enacted by the General Assembly of the State of Iowa :

SECTION 1. That there is hereby appropriated to Joseph Bone the sum of six hundred and eighty-seven dollars and thirty cents (\$687.30) out of any money in the state treasury not otherwise appropriated, and the Auditor of State is authorized to give him a warrant therefor. \$687.30 appropriated.

PUBLICATION. SEC. 2. This act, being deemed of immediate importance, shall take effect and be in force from and after its publication in the Iowa State Register, and Iowa State Leader, newspapers published in Des Moines, Iowa, anything in section 33 of the Code, to the contrary notwithstanding.

Approved, February 23, 1878.

I hereby certify that the foregoing act was published in the *Iowa State Leader*, February 27, and in the *Iowa State Register*, March 2, 1878.
 JOSIAH T. YOUNG, *Secretary of State*.

CHAPTER 18.

TOWN OF COLFAX.

H. F. 82. AN ACT to Legalize the Incorporation of the Town of Colfax, Jasper County, Iowa, the Election of its Officers, and all Acts done and Ordinances passed by the Council of said Town.

Preamble. WHEREAS, Doubts have arisen as to the legality of the incorporation of the town of Colfax, in Jasper county, Iowa, the election of its officers and the ordinances passed by the council of said town; therefore,

Be it enacted by the General Assembly of the State of Iowa:

INCORPORATION, AND ACTS OF OFFICERS THEREUNDER LEGALIZED. SECTION 1. That the incorporation of said town of Colfax, Jasper county, Iowa, the election of its officers, and all the official acts done and ordinances passed by the council of said town, not in contravention with the laws of the state, are hereby legalized and the same are hereby declared to be valid and binding, the same as though the law had in all respects been strictly complied with.

PUBLICATION. SEC. 2. This act, being deemed of immediate importance, shall be in force and take effect from and after its publication in the Iowa State Register, and the Newton Journal, newspapers published at Des Moines, and Newton, Iowa, without expense to the State.

Approved, February 23, 1878.

I hereby certify that the foregoing act was published in the *Iowa State Register*, February 27, and in the *Newton Journal*, March 7, 1878.
 JOSIAH T. YOUNG, *Secretary of State*.

CHAPTER 19.

TRIAL OF AN ISSUE OF FACT IN AN INDICTMENT.

AN ACT to Repeal Section 4420, of Chapter 27, Title 25, of the Code, Relating to the Trial of an Issue of Fact in an Indictment, and enacting a Substitute in lieu Thereof. H. F. 56.

Be it enacted by the General Assembly of the State of Iowa :

SECTION 1. That section 4420, chapter 27, title 25, of the Code be, and the same is hereby repealed and the following enacted in lieu thereof: Code, § 4420; substitute for.

Section 4420. The jury having been empanelled and sworn, the court must proceed in the following order: Order of trial.

1. The clerk or district-attorney must read the indictment and state the defendant's plea to the jury, and the district-attorney may briefly state the evidence by which he expects to sustain the indictment.

2. The attorney for the defendants may then briefly state his defense, and the evidence by which he expects to sustain it.

3. The state may then offer the evidence in support of the indictment.

4. The defendant or his counsel may then offer his evidence in support of his defense.

5. The parties may then respectively offer rebutting evidence only unless the court, for good reasons in furtherance of justice, permit them to offer evidence upon their original case.

6. When the evidence is concluded, unless the case is submitted to the jury on both sides without argument, the district-attorney must commence, the defendant follow by one or two counsel at his option, unless the court shall permit him to be heard by a larger number, and the district-attorney conclude, confining himself to a response to the arguments of the defendant's counsel; *Provided*, That where two or more defendants are on trial for the same offense, they may be heard by one counsel each; *and*, *Provided further*, That the court, when the affirmative of the issue is with the defendant, may, in its discretion, award to the defendant the last argument.

7. The court shall then charge the jury in writing, without oral explanation or qualification.

Approved, February 23, 1878.

CHAPTER 20.

ELECTION OF OFFICERS IN CITIES OF THE FIRST CLASS.

H. F. 237.
16th G. A.
chapter 33,
§ 1 and 2
amended.

AN ACT to Amend Sections One and Two, of Chapter 33, of the Laws of the Sixteenth General Assembly, in Relation to the Election of certain Officers in certain Cities of the First Class, and to Revive that portion of Section 534 of the Code thereby repealed.

Be it enacted by the General Assembly of the State of Iowa:

Officers to be
elected.

SECTION 1. That section 1, of chapter 33, of the laws of the sixteenth general assembly, be and the same is hereby amended, by inserting after the word "elect," in the sixth line thereof, the words, "one city marshal, one city solicitor, one city physician, one building commissioner."

SEC. 2. That section 2 of the same chapter, be and the same is hereby amended, by striking out, after the word "of," in the first line of said section, the words, "each city shall elect a city marshal, who shall be ex-officio chief of police, who shall hold his office for the term of one year," and by inserting in lieu thereof, the words, "every such city shall elect."

Code, § 534 re-
vived.

SEC. 3. That so much of section 534 of the Code, as was superseded by chapter 33 of the sixteenth general assembly, is hereby revived, anything in sub-division 1 of section 45 of the Code, to the contrary notwithstanding.

Publication.

SEC. 4. This act, being deemed of immediate importance, shall take effect and be in force from and after its publication in the Daily State Register and Iowa State Leader, newspapers published at Des Moines, Iowa.

Approved, February 26th, 1878.

I hereby certify that the foregoing act was published in the *Iowa State Leader*, February 26, and in the *Iowa State Register*, February 27, 1878.

JOSIAH T. YOUNG, *Secretary of State*.

CHAPTER 21.

GRANTING LANDS TO THE CHICAGO, MILWAUKEE & SAINT PAUL RAILWAY COMPANY.

S. F. 13.

AN ACT in relation to the Lands Granted to the State of Iowa by Act of Congress, entitled, "An Act for a Grant of Lands to the State of Iowa, in alternate sections, to aid in the construction of a Railroad in said State," Approved May 12th, 1864, and to Grant to and Impose upon the Chicago, Milwaukee and St. Paul Railway Company, the Powers and Liabilities mentioned in Chapter Four (4), Title (10) of the Code.

Preamble

WHEREAS, The McGregor and Sioux City Railway Company, now known as the McGregor and Missouri River Railway Com-

pany, has failed to comply with the provisions of the act of the twelfth general assembly of the State of Iowa, approved March 31, 1868, entitled, "An Act making a grant of land to the McGregor and Sioux City railway company;" therefore,

Be it enacted by the General Assembly of the State of Iowa:

SECTION 1. That all lands or rights to lands heretofore granted to the McGregor and Sioux City Railway Company be, and the same are hereby absolutely and entirely resumed by the State of Iowa.

Resumption
of lands
granted to
McG. & S. C.
Railway Co.

SEC. 2. That all lands and rights to lands, whether in severalty, jointly, or in common, and including all lands or rights to lands, or any interest therein, or claims thereto, whether certified or not, embraced within the overlapping or conflicting limits of the two grants, or roads made and described by the act of congress hereinafter designated, granted to the State of Iowa, to aid in the construction of a railroad from a point at or near the foot of Main street, South McGregor, in said State in a westerly direction, by the most practicable route on or near the forty-third parallel of north latitude, until it shall intersect, in the county of O'Brien, a railroad running from Sioux City, Iowa, to the Minnesota state line, by act of congress, approved May 12, 1864, and entitled "an act for a grant of lands to the State of Iowa, in alternate sections, to aid in the construction of a railroad in said state," be and the same are hereby granted to and conferred upon the Chicago, Milwaukee & St. Paul Railway Company, which company now owns and operates the said railroad from McGregor to Algona, upon the following express terms and conditions, viz: That the last named company shall, in extension of its present line of road from McGregor to Algona, build and construct its road from Algona, in Kossuth county, to Emmetsburg, in Palo Alto county, and locate and establish its depot upon the grounds selected by the McGregor & Missouri River Railway Company, as shown by the town plat of Emmetsburg; thence to Spencer, in Clay county, and locate and establish its depot upon section seven (7), township (96), range 36, on or before the first day of January, 1879; thence on the most direct and practicable route to a point of connection with the Sioux City & St. Paul Railroad, within one-half mile of the corporate limits of Sheldon, in O'Brien county, on or before the first day of January, 1880.

Conferring
same upon
the C. M. &
St. P. R'y Co.

Conditions of
grant.

SEC. 3. When the said railroad shall have been built and constructed to Spencer, in Clay county, then and thereupon the governor of the state shall patent and transfer to the Chicago, Milwaukee and St. Paul railway company all lands and rights to lands, and all interest or claims therein, mentioned in section two (2) of this act, and lying east of said point and co-terminus with the completed portion of said road; and when said railroad shall have been built and constructed to the point of connection with the Sioux City and St. Paul railroad, then and thereupon the governor of this state shall patent and transfer to said Chicago, Milwaukee and St. Paul railway company all the remaining lands belonging to or embraced in said grant appertaining to their line

When patent
for lands shall
be given.

Proviso:
bond of \$200,-
000 to be filed
with Secreta-
ry of State.

of railroad, including all or any part or moiety of the lands in said overlapping limits, which by the terms of said act of congress appertain to their line of road: *Provided*, That within twenty days from the passage of this act, the said Chicago, Milwaukee and St. Paul Railway Company shall file with the secretary of state a bond, to be approved by the governor, in the penal sum of two hundred thousand dollars, conditioned for the faithful performance on its part of all the provisions and conditions of this act, which sum is agreed upon as liquidated damages for the failure of said company to comply with the conditions of said act.

SEC. 4. All the rights, powers, and liabilities mentioned and provided in chapter four (4), title ten (10), of the Code are hereby granted to and imposed upon the said Chicago, Milwaukee and St. Paul Railway Company.

Upon failure
to file bond.

SEC. 5. Should the said Chicago, Milwaukee and St. Paul Railway Company fail to file the bond or acceptance mentioned in section three (3) of this act within the time prescribed, or fail to build and construct its road in accordance with the conditions, or any of them, set out in section 2 of this act, then and thereupon all lands and rights by this act conferred shall revert to the state of Iowa.

Terms upon
which road is
to be built.

SEC. 6. The said railroad shall be built upon and subject to all the terms and conditions named in the act of 1868, approved March 31, 1868, granting said lands to the McGregor & Sioux City Railway Company, save as such terms and conditions are changed by this act or are inapplicable. And said railroad company accepting the provisions of this act, its lessees or assigns, shall at all times be subject to such rules, regulations and rates of tariff for the transportation of freights and passengers as may from time to time be enacted and provided for by the general assembly of the State of Iowa.

In case of fail-
ure by C. M.
& St. P. Rail-
way to file
bond.

SEC. 7. In case the Chicago, Milwaukee & St. Paul Railway Company shall fail to file the bond or acceptance provided for in section 3 of this act, within the time prescribed, then any other railroad company first filing with the secretary of state the bond aforesaid, may be, by the advice and consent of the executive council, substituted to all the rights and subject to all the provisions and conditions of this act conferred upon or made with reference to the Chicago, Milwaukee & St. Paul Railway Company, in which case the acceptance provided for in section 3 of this act, must be filed with the bond aforesaid.

Lands held in
good faith un-
der pre-emption
or homestead
laws, deemed re-
leased.

SEC. 8. The acceptance of the provisions of this act shall be deemed a release by the company accepting the same, of all claims to unpatented lands selected for and belonging to the original grant, which have been entered and occupied in good faith, pursuant to the provisions of the pre-emption or homestead laws of the United States; and upon the making of the final proof of the occupation and improvement now required by law, and of good faith, as aforesaid, to the satisfaction of the register of the state land office, the governor is hereby authorized to execute patents for such lands to persons entitled thereto; and also all lands embraced in said grant which have been patented by the

governor of this state, under the provisions of section 7, of chapter 58, of the laws of the twelfth general assembly; and said lands so patented are hereby expressly reserved from the operation of this act, and the title of said patentees, and their assigns, to the lands so patented, are hereby ratified and confirmed.

SEC. 9. If it shall be found that the Sioux City and St. Paul Railroad Company has constructed its road over any portion of the lands granted by this act, so much land as may be now used and appropriated for right of-way and fencing at cuts for protection against snow as may be reasonably necessary, not exceeding in width one hundred feet, except at cuts, and in such case not exceeding two hundred feet in width, is hereby granted to said Sioux City and St. Paul Railroad Company, and expressly excepted from the grant to said Chicago, Milwaukee and St. Paul Railway Company, and if it shall be found that section thirteen, town (township) ninety-nine, range forty-two, or any part or interest therein shall be embraced within the limits of lands granted by this act to the Chicago, Milwaukee and St. Paul Railway Company, said section being heretofore certified by the state to the Sioux City and St. Paul Railroad Company as inuring to it as a part of its land grant, and said last named company having erected thereon valuable side tracks, depots, grain elevators, hotel, and other improvements, and having platted a town or village thereon, sold and donated lots, and dedicated streets and parks for public uses, said section is reserved and excepted from this grant to said Chicago, Milwaukee and St. Paul Railway Company, and the title thereto is hereby confirmed to the said Sioux City and St. Paul Railroad Company on condition that said company shall execute a valid conveyance to the State of Iowa in trust for said Chicago, Milwaukee and St. Paul Railway Company, or other grantee of the state, as the governor may direct, of an equal quantity of equal quality of land owned by said Sioux City and St. Paul company, as would have inured to the Chicago, Milwaukee and St. Paul Railway Company by said section thirteen, said selection and conveyance to be approved by the governor. The provisions of this section are hereby declared to be express conditions of the grants made by this act.

Certain lands to be conceded to S. C. & St. P. R. R. Co.

SEC. 10. This act, being deemed of immediate importance, shall take effect and be in force on and after its publication in the Iowa State Register, and Iowa State Leader, newspapers published at Des Moines, Iowa.

Approved, February 27, 1878.

I hereby certify that the foregoing act was published in the *Iowa State Register*, and *Iowa State Leader*, February 28, 1878.

JOSIAH T. YOUNG, *Secretary of State*.

CHAPTER 22.

LEGALIZING SUPERIOR COURTS IN CITIES.

S. F. 14. AN ACT to Legalize and Establish Certain Courts Organized under Chapter One Hundred and Forty-Three, of the Laws of the Sixteenth General Assembly.

Preamble. WHEREAS, Courts have been organized in this state under the provisions of chapter 143, of the laws of the sixteenth general assembly:

WHEREAS, Doubts have arisen as to the constitutionality of said courts on account of the provision in said act, submitting the same to the people:

Be it enacted by the General Assembly of the State of Iowa:

Courts organized under chapter 143, 16th G. A. legalized. SECTION 1. That all courts heretofore organized in this State under the provisions of said chapter 143, and approved March 17, 1876, are hereby declared to be legal and valid, and the establishment and organization thereof in pursuance of said act, and all doings, processes, judgments and proceedings in said courts, and the elections and commissions of the judges thereof are hereby legalized and declared to be lawful and valid to all intents and purposes as fully in all respects as if said act had been fully enacted and declared to be a law, without any submission to a vote of the people as provided in the second section of said act.

Publication. SEC. 2. This act, being deemed of immediate importance, shall take effect and be in force from and after its publication in the Daily State Register, and Daily Iowa State Leader, newspapers published at Des Moines, Iowa.

Approved, February 27, 1878.

I hereby certify that the foregoing act was published in the *Iowa State Register*, and *Iowa State Leader*, February 28, 1878.

JOSIAH T. YOUNG, *Secretary of State*.

CHAPTER 23.

CORPORATIONS FOR PECUNIARY PROFIT.

S. F. 37. AN ACT to Repeal Sections 1060 and 1064, Chapter 1, Title IX., of the Code, relating to Corporations for Pecuniary Profit, and enact Substitutes in lieu thereof.

Be it enacted by the General Assembly of the State of Iowa:

Code, §§ 1060 and 1064, substituted for. SECTION 1. That sections 1060 and 1064 of the Code of 1873, be and they are hereby repealed, and the following enacted in lieu thereof:

Section 1060. Previous to commencing any business, except that

of their own organization, they must adopt articles of incorporation, which must be signed and acknowledged by the incorporators, and recorded in the office of the recorder of deeds of the county where the principal place of business is to be, in a book kept therefor; the recorder must record such articles as aforesaid, within five days after the same are filed in his office, and certify thereon the time when the same was filed in his office, and the book and page where the record thereof will be found. The said articles and certificate of recorder shall be then recorded in the office of secretary of state, in a book kept for that purpose.

Articles to be adopted and recorded.

Section 1064. The corporation may commence business as soon as the articles of incorporation are filed in the office of the recorder of deeds, and their doings shall be valid if the publication in a newspaper is made, and articles recorded in the office of the secretary of state within three months from such filing in the recorder's office.

When it may begin business.

Approved, February 27, 1878.

CHAPTER 24.

CHESTER DAIRY ASSOCIATION.

AN ACT to Legalize the Incorporation of the Chester Dairy Association, in Poweshiek county. S. F. 192.

WHEREAS, Wilson Sherman, Winchester Stockwell and others did, on the 15th day of December, 1875, adopt articles of incorporation for the Chester Dairy Association, which articles were recorded in the office of the recorder of Poweshiek county, on the 22d day of December, 1875, and in the office of the secretary of state, on the 25th day of February, 1876; and

Preamble.

WHEREAS, Said articles by oversight failed to state the highest amount of indebtedness or liability to which said corporation might be at any one time subject; and

WHEREAS, By like oversight the notice required by law was not published; and

WHEREAS, Doubts have arisen as to the powers of said corporation and the rights and liabilities of members; therefore,

Be it enacted by the General Assembly of the State of Iowa:

SECTION 1. The incorporation of the Chester Dairy Association is hereby legalized as fully and completely as if the law relating to the incorporation had been fully complied with; and the rights and liabilities of members, excepting liabilities already incurred, shall not be other or greater than if the law had been fully complied with.

Incorporation legalized.

Approved, February 28, 1878.

CHAPTER 25.

CONFERRING ADDITIONAL POWERS ON CITIES UNDER SPECIAL CHARTERS.

H. F. 259. AN ACT to Amend the Charters of all Municipal Corporations existing and acting under Special Charters not now having the powers herein granted, and Conferring Additional Powers upon such cities. Additional to Code, Chapter 10, Title IV.: "Of Cities and Incorporated Towns."

Be it enacted by the General Assembly of the State of Iowa:

SECTION 1. That all cities existing and acting under special charters, which do not now have the powers herein enumerated, shall have power to regulate, restrain, license or prevent the running at large of dogs within said cities, and to require dogs to be kept upon the premises of the owners thereof, unless licensed to run upon streets, alleys, and other places other than the premises of the owner, and to provide for the destruction of the same when found in said cities contrary to and in violation of the provisions of any ordinance or by-laws passed pursuant to the powers herein granted.

Approved, February 28, 1878.

CHAPTER 26.

DEPOSITIONS.

H. F. 85. AN ACT to Repeal Section 3751, Chapter 1, Title 22, of the Code, Relating to Depositions, and to enact a Substitute therefor.

Be it enacted by the General Assembly of the State of Iowa:

SECTION 1. That section 3751 of the Code is hereby repealed, and the following is enacted in lieu thereof:

Section 3751. That the clerk shall, forthwith, after filing depositions in his office, issue a notice of the filing of such depositions, reciting therein the title of the cause, names of witnesses, and the date of filing such depositions, and serve the same upon the attorneys of the parties in the action therein recited.

Said notice shall be deemed duly served, when the clerk shall have deposited copies of the same in the post-office at the place where such cause is pending for trial, duly directed to the post-office address of the respective attorneys, for the parties in such action, which notice shall be so mailed by the clerk on the day he files such deposition; and if the post-office address of any of the attorneys of the parties is unknown to the clerk, he shall then deposit

said notice, addressed to such attorney or attorneys, at the post-office where such cause is then pending for trial. No exceptions to depositions other than for incompetency or irrelevancy shall be regarded, unless made by motion filed by the morning of the second day of the first term held after the depositions have been filed by the clerk; *Provided*, Such depositions have been filed three days prior thereto. Exceptions.
Proviso:

If the depositions are afterwards received during such term, such motion shall be filed by the morning of the third day after such depositions are filed.

All motions to suppress depositions must be filed before the cause is reached for trial. Time of filing
motion to
suppress.

Approved, February 28, 1878.

CHAPTER 27.

CITY OF KNOXVILLE.

AN ACT to Amend Section 9 of Chapter 71 of the Laws of the Fifth General Assembly, in relation to the Election of Officers of the City of Knoxville. H. F. 495.

Be it enacted by the General Assembly of the State of Iowa:

SECTION 1. That section 9 of chapter 71 of the laws of the fifth general assembly of the state of Iowa be repealed, and the following enacted in lieu thereof: § 9, chapter 71,
5th G. A.;
substitute for.

Section 9. That the qualified electors of the city of Knoxville shall, on the first Monday of April, A. D. 1878, elect one alderman from each ward of said city for the term of one year, and one alderman from each ward of said city for the term of two years, and annually on the same day thereafter elect one alderman from each ward of said city for the term of two years, who shall serve until their successors are elected and qualified. The qualified electors of said city of Knoxville shall also elect on the first Monday of April, A. D., 1878, and annually thereafter, and at the same time a mayor, a recorder, assessor, and a treasurer. And the mayor and alderman so elected, together with the alderman whose term of office has not yet expired, when assembled together and duly organized shall constitute the city council, a majority of whom shall be necessary to constitute a quorum for the transaction of business, which council shall, at its first regular meeting after each annual election, elect a city marshal by ballot, whose term of office shall be for the period of one year, and shall be subject to removal by said council. The mayor, recorder, assessor and treasurer shall be elected by the legal voters of said city for the term of one year, and shall serve until their successors are elected and qualified. Election.
City council.

Publication. SEC. 2. This act, being deemed of immediate importance, shall take effect from and after its publication in the Marion County Democrat and the Knoxville Journal, newspapers published at Knoxville, Iowa, without expense to the state.

Approved, March 1, 1878.

I hereby certify that the foregoing act was published in the *Iowa State Register*, March 2, and in the *Marion County Democrat*, March 12, 1878.
JOSIAH T. YOUNG, *Secretary of State*.

CHAPTER 28.

INDEPENDENT SCHOOL DISTRICT OF DELTA, KEOKUK COUNTY.

H. F. 476. AN ACT to Legalize the Organization of the Independent School District of Delta, Keokuk county, State of Iowa.

Preamble. WHEREAS, On the 10th day of March, A. D., 1877, elections were held in independent school districts numbers one and two, in Warren township, in said county; and

WHEREAS, At said elections the said two independent districts voted to consolidate into one independent school district, which was afterwards named the independent school district of Delta, Keokuk county, Iowa; and

WHEREAS, Doubts have arisen as to the legality of the said election arising from the manner in which said elections were called and held in the said two independent school districts of Warren township, aforesaid; therefore,

Be it enacted by the General Assembly of the State of Iowa:

Elections legalized. SECTION 1. That the said elections so held on the 10th day of March, 1877, by the said independent school districts numbers one and two, of Warren township, Keokuk county, State of Iowa, be and the same are hereby declared legal, any irregularities in the manner of the calling or holding of the said elections to the contrary notwithstanding.

Acts of board of directors legalized. SEC. 2. That all acts done by the board of directors of said independent school district since the 10th day of March, 1877, be and the same are hereby declared legal and valid the same as if said independent school district had been legally and properly organized.

Publication. SEC. 3. This act, being deemed of immediate importance, the same shall take effect and be in force from and after the publication of the same in the *Iowa State Register*, a newspaper published at Des Moines, and the *Sigourney News*, a newspaper published at Sigourney, in the State of Iowa, without expense to the state.

Approved, March 1, 1878.

I hereby certify that the foregoing act was published in the *Iowa State Register*, March 2, and in the *Sigourney News*, March 7, 1878.

JOSIAH T. YOUNG, *Secretary of State*.

CHAPTER 29.

DEED RECORD OF SIOUX COUNTY.

AN ACT Authorizing Sioux County, Iowa, to have made corrected S. F. 128.
Index and Record of Deed Record "A" from Woodbury county.

WHEREAS, Part of the indexes to the records, and part of the Preamble.
records of real estate of Sioux county, Iowa, were kept at Sioux
City, in Woodbury county, Iowa, at the time when said Wood-
bury and Sioux counties were attached:

WHEREAS, The board of supervisors of Sioux county, Iowa,
at its regular meeting in June, 1876, passed the following reso-
lution:

Resolved, That our chairman, Henry Hospers, is authorized to
have so much of deed record "A," and the indexing of the deeds
therein contained, transcribed from the records of Woodbury
county, Iowa, and have the same compared and certified to as
provided by law:

WHEREAS, So much of deed record "A" and the indexing of
the deeds therein contained were transcribed from the records of
Woodbury county, Iowa; now, therefore,

*Be it enacted by the General Assembly of the State of
Iowa:*

SECTION 1. That so much of deed record "A" as to lands sit- Transcribed
record and in-
dex of same
effect as
originals.
uated in Sioux county, Iowa, and the indexing of the deeds
therein contained as to lands situated in Sioux county, Iowa, as
were transcribed from the records of Woodbury county, Iowa,
shall have the same force and effect in all respects as original
records and indexes, and be admissible in evidence as original
records and indexes in all cases arising, after the certification
thereof.

SEC. 2. This act, being deemed of immediate importance, shall Publication.
take effect from and after its publication in the Iowa State Regis-
ter, published in Des Moines, Iowa, and in the Sioux County
Herald, published in Orange City, Iowa, without expense to the
state.

Approved, March 12, 1878.

I hereby certify that the foregoing act was published in the *Sioux
County Herald*, March 21, 1878.

• JOSIAH T. YOUNG, *Secretary of State.*

CHAPTER 30.

BOND TO BE GIVEN BY THE CHICAGO, MILWAUKEE & SAINT PAUL
RAILWAY COMPANY.

- S. F. 254. AN ACT to Provide for the Giving of the Bond mentioned in an act entitled, An Act in relation to the Lands Granted to the State of Iowa, by an act of Congress, entitled "An Act for a grant of lands to the State of Iowa in alternate sections to aid in the construction of a railroad in said State," Approved, May 12th, 1864, and to grant to and impose upon the Chicago, Milwaukee and St. Paul Railway Company, the powers and liabilities mentioned in Chapter four, Title ten of the Code.

Be it enacted by the General Assembly of the State of Iowa:

- SECTION 1. That for the purposes of carrying out the provisions of section three of said act, approved February 27th, 1878, that the governor is hereby authorized to accept and approve of a bond signed by sureties who may reside out of the state of Iowa, if in the opinion of the governor said sureties are of unquestioned responsibility, anything contained in chapter eleven (11) of the Code to the contrary notwithstanding.
- Approved, March 12, 1878.

§ 3, chapter 21,
17th G. A.

Sureties may
reside out of
the State.

CHAPTER 31.

TOWN OF STUART.

- H. F. 269. AN ACT to Legalize the Incorporation of the Town of Stuart and its Ordinances, and the Acts of its Officers thereunder.

Preamble. WHEREAS, at the — term, 1877 of the circuit court of the fifth judicial district of the state of Iowa, in the county of Guthrie, steps were taken to incorporate the town of Stuart, a part of the said town being situated in the county of Guthrie and part in the county of Adair, and commissioners were duly appointed by said court, part of said commissioners residing in Guthrie and part in Adair county; and,

WHEREAS, An election was held on the sixth day of February, 1877, and a large majority of the votes cast were in favor of incorporating said town; and,

WHEREAS, On the 10th day of April, A. D. 1877, there was an election held, and a mayor, councilmen, clerk, and all the necessary officers elected; and,

WHEREAS, The said officers all qualified and have been acting in their several official capacities ever since, and have adopted

resolutions, rules, ordinances, and performed such other duties and acts as by law such officers are empowered to do ; and,

WHEREAS, Doubts have arisen as to the legality of such incorporation and the official acts of the council and officers of the same ; therefore,

Be it enacted by the General Assembly of the State of Iowa :

SECTION 1. That the incorporation of said town of Stuart, be, and the same is hereby legalized, and all the ordinances passed and the rules and resolutions adopted by the council of said town, and all the official acts of the officers thereunder, be, and the same are hereby declared to be legal and valid, in every respect the same as though said town had been legally incorporated. Incorporation and acts of officers thereunder legalized.

SEC. 2. This act, being deemed of immediate importance, shall take effect and be in force from and after its publication in the Iowa State Register, published in Des Moines, Iowa, and the Stuart Locomotive, published at Stuart, Iowa, without expense to the state. Publication.

Approved, March 12, 1878.

I hereby certify that the foregoing act was published in the *Stuart Locomotive*, March 19, and in the *Iowa State Register*, April 7, 1878.

JOSIAH T. YOUNG, *Secretary of State*.

CHAPTER 32.

ELECTION IN VAN BUREN TOWNSHIP, KEOKUK COUNTY.

AN ACT to Legalize an Election held for the purpose of Re-districting the Township of Van Buren, in Keokuk county, Iowa, and to Legalize the Independent Districts created in pursuance of the Vote at said Election. H. F. 348.

WHEREAS, At the election held in Van Buren township, Keokuk county, Iowa, on the eighth day of November, 1875, for the purpose of changing and defining the boundaries of the several independent districts of the same; and, Preamble.

WHEREAS, Said township of Van Buren was re-districted in pursuance of said election, by forming nine instead of ten independent districts, and by restoring to German township, that portion formerly attached to Van Buren township for school purposes; and,

WHEREAS, Doubts exist as to the legality of said election, and the changes made in pursuance thereof; therefore,

Be it enacted by the General Assembly of the State of Iowa :

SECTION 1. That said election be legalized, and that the boundaries of said independent districts be, and the same are hereby confirmed and established, as made by the township trustees. Election legalized.

- German township. tees of said township, in pursuance of said election, and that **that** portion of German township formerly attached to Van Buren township for school purposes be, and the same is hereby restored to the township where it geographically belongs.
- Publication. SEC. 2. This act, being deemed of immediate importance, shall take effect immediately after its publication in the *Iowa State Register*, a newspaper published at Des Moines, Iowa, and the *Sigourney Review*, published at Sigourney, Iowa, said publication to be without costs to the state.
- Approved, March 12, 1878.

I hereby certify that the foregoing act was published in the *Iowa State Register*, March, 26, and in the *Sigourney Review*, April 3, 1878.
JOSIAH T. YOUNG, *Secretary of State*.

CHAPTER 33.

ESTATES OF DECEASED PATENTEES.

- H. F. 160. AN ACT to Vest Title in the Heirs, Devisees or Assignees of deceased Patentees, Additional to Code, Title 16, "Of the Estates of Dece-
dents."

Be it enacted by the General Assembly of the State of Iowa:

- If patentee dies pending the issuance of patent to lands, Title shall vest in heirs, &c. SECTION 1. That where patents have been, or may be issued in pursuance of any law of the State of Iowa, to a person who had died, or who hereafter dies before the date of such patent; the title to the land designated therein shall inure to, and become vested in the heirs, devisees or assignees of such deceased patentee, as if the patent had issued to the deceased person during life.
- Approved, March 12, 1878.

CHAPTER 34.

TOWN OF EMMETSBURG.

- H. F. 505. AN ACT to Legalize the Incorporation of the Town of Emmetsburg in Palo Alto county, Iowa, the Election of its Officers and the Acts done and Ordinances passed by the Council of said Town.

- Preamble. WHEREAS, The circuit court within and for Palo Alto county, Iowa, did at the August, 1877, term thereof, appoint commissioners to call an election of the legal voters of the town of Em-

metsburg in said county, to vote upon the question of the incorporation of said town; and,

WHEREAS, At said election the legal voters of said town by a large majority voted in favor of said incorporation, and all the requirements of the law with reference to said incorporation have been strictly complied with, except that the said commissioners failed to post the notices of said election as required by law; and,

WHEREAS, Doubts have arisen as to the legality of said incorporation, the election of its officers, the acts done and ordinances passed by the council of said town; therefore,

Be it enacted by the General Assembly of the State of Iowa:

SECTION 1. That the incorporation of the town of Emmetsburg in Palo Alto county, Iowa, be and the same is hereby legalized, and the election of its officers and all the acts done and ordinances passed by the council of said town are hereby declared to be valid and binding and to have the same force and effect as though the law had in all respects been strictly complied with. Incorporation and acts of officers thereunder legalized

SEC. 2. This act, being deemed of immediate importance, shall be in force and take effect from and after its publication in the Iowa State Register, a newspaper published at Des Moines, Iowa, and in the Palo Alto Reporter, a newspaper published at Emmetsburg, Iowa, without expense to the state. Publication.

Approved, March 12, 1878.

I hereby certify that the foregoing act was published in the *Palo Alto Reporter*, March 23, 1878.

JOSIAH T. YOUNG, *Secretary of State.*

CHAPTER 35.

CHANGE OF VENUE.

AN ACT to Amend Section 4117, Title 25, Chapter 4 of the Code : "Of H. F. 153. Security to Keep the Peace."

Be it enacted by the General Assembly of the State of Iowa:

SECTION 1. That section 4117 of the Code be and is hereby amended by inserting after the word "thereto," in section 4117, the following: "And a change of venue may be had as in preliminary examinations." Code, §4117 amended.
Change of venue.

Approved, March 12, 1878.

CHAPTER 36.

LEGALIZING THE GIVING OF A MORTGAGE DEED IN WASHINGTON COUNTY.

H. F. 480. AN ACT legalizing a certain Mortgage Deed made to the School Fund of Washington county, Iowa.

Preamble. WHEREAS, D. J. Palmer was on the 30th day of September, 1876, the duly elected and qualified auditor for Washington county, Iowa; and

WHEREAS, The said D. J. Palmer, believing he was authorized so to do, under section 277 of the Code of 1873, did on the 30th day of September, 1876, take the acknowledgment of a school fund mortgage deed made by S. R. Palmer, Jr., and his wife, Mary A. Palmer, for the south half of the southwest quarter of section nineteen, township seventy-six north, range seven west, containing eighty acres, more or less; and

WHEREAS, Said school fund mortgage deed was made by said S. R. Palmer, Jr., and his wife, Mary A. Palmer, for the purpose of securing to the school fund of said Washington county the sum of five hundred dollars with interest thereon, which sum of money was borrowed by the said S. R. Palmer of the school fund of the said Washington county; and

WHEREAS, Doubts have arisen as to the legality of the acknowledgment of said school fund mortgage deed; therefore,

Be it enacted by the General Assembly of the State of Iowa:

Making of mortgage deed legalized,

And acknowledgment made valid.

SECTION 1. That the said school fund mortgage deed made by said S. R. Palmer, Jr., and Mary A. Palmer, his wife, on and for said above described premises, to-wit: the south half of the southwest quarter of section nineteen (19), township seventy-six (76) north, range seven (7) west, be and the same is hereby legalized and made valid to the same extent as though acknowledged before a person duly authorized to acknowledge the same.

Approved, March 12, 1878.

CHAPTER 37.

SUPPORT OF THE POOR.

S. F. 73. AN ACT to Amend Chapter 26 of the Laws of the Sixteenth General Assembly, in "relation to Support of the Poor."

Be it enacted by the General Assembly of the State of Iowa:

SECTION 1. That chapter 26 of the laws of the sixteenth gen-

eral assembly, in relation to the support of the poor, is hereby amended so as to read :

"In no case shall a soldier, or the widows or families of soldiers, requiring public relief, be sent to the county poor house when they can and prefer to be relieved out of the poor house. All other persons in families requiring such aid, may, at the discretion of the board of supervisors, or the overseer of the poor under the supervision of the board of supervisors of such county, be sent to the county poor house, or receive such aid out of the poor house, as the board may deem necessary, not to exceed the extent as above provided."

Approved, March 12, 1878.

Chapter 28
16th G. A.
amended.
Soldiers, or
their fami-
lies.

CHAPTER 38.

APPROPRIATION TO PAY VISITING COMMITTEES.

AN ACT to provide for the Payment of the Expenses of the Committees appointed to visit the State Institutions. S. F. 233.

Be it enacted by the General Assembly of the State of Iowa:

SECTION 1. That there is hereby appropriated from the state treasury, the following sums of money to the persons and for the purposes herein named: \$766.39 appropriated for expenses of committees to—

SEC. 2. To D. D. Chase, Ira H. Tremain and Fred O'Donnell, for expenses incurred in visiting the State University, eighteen and 76-100 each, fifty-six and 28-100 dollars—\$56.28. State University.

SEC. 3. To S. L. Bestow, B. F. Clayton and John C. Hiatt, for expenses incurred in visiting the Agricultural College, eight dollars each, twenty four dollars—\$24.00. Agricultural College.

SEC. 4. To Alfred Hebard, N. B. Holbrook and Wm. B. Perrin, for expenses incurred in visiting the College for the Blind, eighteen dollars each, fifty four dollars—\$54.00. College for the blind.

SEC. 5. To S. L. Dows, Geo. Wright and A. J. Wood, for expenses incurred in visiting the Penitentiary at Fort Madison, nineteen and 85-100 [dollars] each, fifty-nine and 55-100 [dollars]—\$59.55. Penitentiary.

SEC. 6. To John Meyer, J. W. Miles and Irving P. Bowdish, for expenses incurred in visiting the Additional Penitentiary at Anamosa, twenty-five [dollars] each, seventy-five dollars—\$75.00. Additional penitentiary.

SEC. 7. To P. W. Lewellen, Chas. McAllister and Benj. Ratcliff, as expenses incurred in visiting the Hospital for the Insane at Independence, fifteen and 10-100 dollars each, forty-five and 30-100 dollars—\$45.30. Hospital for insane at Mt. Pleasant.

SEC. 8. To J. T. Stoneman, C. E. Brown and J. B. Elliott, for expenses incurred in visiting the Hospital for the Insane at Mt. Pleasant, twelve dollars each, thirty-six dollars—\$36.00. Hospital for insane at Mt. Pleasant.

SEC. 9. To H. C. Hemenway, J. H. King and Ernst Mueller,

Deaf and Dumb Asylum.	for expenses incurred in visiting the Deaf and Dumb Asylum at Council Bluffs, twelve dollars each, thirty-six dollars—\$36.00.
Reform school at Eldora.	SEC. 10. To W. W. Blackman, J. K. L. Maynard, Elijah Peake, for expenses incurred in visiting the Reform School for boys at Eldora, twelve and 32-100 [dollars] each, thirty-six and 96-100 dollars—\$36.96.
Reform school at Salem.	SEC. 11. [To] M. N. Johnson, Jacob Kauffman, F. A. J. Gray, for expenses incurred in visiting the Reform School for girls at Salem, thirteen dollars each, thirty-nine dollars—\$39.00.
Soldiers' Orphan's Home.	SEC. 12. To Delos Arnold, Jas. H. Bolton, and John McCartney, for expenses incurred in visiting the Soldiers' Orphans' Home at Davenport, twenty-one and 10-100 dollars each, sixty and 30-100 dollars—\$60.30.
State Hatching House.	SEC. 13. To W. H. Gallup, E. B. Hoag, and S. H. Mallory, for expenses incurred in visiting the State Hatching institution at Anamosa, twenty dollars each, sixty dollars—\$60.00.
Normal school.	SEC. 14. To Geo. F. Wright, Edward Taylor and John A. Young, for expenses incurred in visiting the State Normal School at Cedar Falls, twenty dollars each, sixty dollars—\$60.00.
Asylum for Feeble Minded Children.	SEC. 15. To Joshua Miller, B. Parkinson and Geo. Paul, for expenses incurred in visiting the Asylum for Feeble Minded Children, at Glenwood, twenty dollars each, sixty dollars—\$60.00.
Special Senate Committee to visit Deaf and Dumb Asylum.	SEC. 16. To S. L. Dows, S. L. Bestow, Sanford Harned, and H. A. Wonn, as special senate committee to visit the Institution for the Deaf and Dumb at Council Bluffs, for expenses incurred, sixteen dollars each, sixty-four dollars (\$64.00).
Publication.	SEC. 17. This act, being deemed of immediate importance, shall take effect from and after its publication in the Iowa State Leader, and Iowa State Register, newspapers published in Des Moines, Iowa, section 33 of the Code to the contrary notwithstanding.

Approved, March 13, 1878.

I hereby certify that the foregoing act was published in the *Iowa State Leader*, March 13, and in the *Iowa State Register*, March 15, 1878.

JOSIAH T. YOUNG, *Secretary of State*.

CHAPTER 39.

FIRE INSURANCE COMPANIES.

S. F. 258. AN ACT to require Fire Insurance Companies doing business in this State to cancel Policies in certain cases Additional to Code, Chapter 4, Title IX: "Of Insurance Companies."

Be it enacted by the General Assembly of the State of Iowa:

SECTION 1. That the auditor of state shall have power, and it shall be his duty, to examine the form of all policy contracts hereafter issued, or proposed to be issued, by any fire insurance

Duty of Auditor of State.

company, association, or corporation now authorized by law, or that may hereafter apply to be authorized to transact the business of fire insurance in this state, and the auditor shall refuse to authorize any such company, association, or corporation to do business in this state, and shall not renew the authority or certificates of any such company, association, or corporation authorized to do business in this state, whenever the form of policy, contract, ^{Form of policy.} issued or proposed to be issued by any such company, association, or corporation does not provide for the cancellation of the same at the request of the insured upon equitable terms, and in case of any violation of this act, it shall be the duty of the auditor to revoke the authority of such company to do business within this state. The provisions of this act shall not apply until January 1, 1879, to any company now holding a certificate ^{To take effect.} of authority from the auditor to do business in this state.

Approved, March 15, 1878.

CHAPTER 40.

BRIDGES ON COUNTY LINE ROADS.

AN ACT to provide for the Construction and Maintenance of County H. F. 358.

Bridges on county line roads, where site of bridge is wholly within one or the other county. Additional to Code, Chapter 3, Title VII.: "Of Ferries and Bridges."

Be it enacted by the General Assembly of the State of Iowa:

SECTION 1. That wherever a county line road intersects a stream of sufficient width to require a county bridge, and the point of intersection does not afford a suitable site for the construction of such bridge, and there is a good site for the erection of a bridge wholly within one or the other of said counties, at a reasonable distance from the county line, the boards of supervisors of the respective counties to be benefited by said bridge may make the necessary appropriations for the construction and maintenance of such bridge, the same as they might do if said bridge was located on county line. ^{On county line road, bridge may be built wholly in one county, And paid for by other counties benefited.}

Approved, March 15, 1878.

CHAPTER 41.

RELATING TO SCHOOLS.

H. F. 188.

AN ACT to amend Chapter 64, Laws of the Sixteenth General Assembly, amending section 1793, Chapter 9 Title 12 of the Code, providing for the County Superintendent as Arbitrator in case of disagreement of the Boards of Directors, determining where children shall attend school.

Be it enacted by the General Assembly of the State of Iowa:

Chapter 64,
16th G. A.
amended.

SECTION 1. That chapter 64 of the sixteenth general assembly, amending section 1793, is hereby amended to have the first clause read as follows:

Children may
attend school
in adjoining
district,

With consent
of county su-
perintendent
and directors.

Children residing in one district may attend school in another in the same or adjoining county or township, on such terms as may be agreed upon by the respective boards of directors; but in case no such agreement is made, they may attend school in any such adjoining district, with the consent of the county superintendent of the county where said pupil resides and the board of directors of said adjoining district, when they reside nearer the school in said district, and one and a half miles or more, by the nearest traveled highway, from any school in their own.

Approved, March 15, 1878.

CHAPTER 42.

WEIGHT OF A BUSHEL OF CHARCOAL.

H. F. 380.

AN ACT to Amend Section 2049 of Chapter 1, Title 14, of the Code, and fixing the Weight of a Bushel of Charcoal.

Be it enacted by the General Assembly of the State of Iowa:

Code, § 2049
amended.
20 pounds.

SECTION 1. That section 2049 of the Code, be, and the same is hereby amended by adding thereto the following words: "of charcoal twenty (20) pounds."

Approved, March 15, 1878.

CHAPTER 43.

T. E. MOORE, J. P.

AN ACT to Legalize the Official Acts of T. E. Moore, a Justice of the H. F. 374.
Peace of Van Meter township, Dallas county, Iowa.

WHEREAS, T. E. Moore was duly appointed on April 20, A. D., ^{Preamble.} 1875, a justice of the peace in and for Van Meter township, Dallas county, Iowa, to fill a vacancy caused by the resignation of J. A. Myers; and

WHEREAS, Said T. E. Moore made and executed the necessary bond and qualified as required by law and faithfully performed the duties of his office; and

WHEREAS, At the general election held in said Van Meter township on the 12th day of October, A. D., 1875, the said T. E. Moore was duly elected to fill the remainder of the unexpired term of said vacancy:

WHEREAS, Said T. E. Moore failed to file a new bond for the reason that he understood the bond given in accordance with his appointment would hold over and be sufficient, but continued to act as justice of the peace until the 1st day of January, A. D., 1877; therefore,

Be it enacted by the General Assembly of the State of Iowa:

SECTION 1. That the official acts of the said T. E. Moore, justice of the peace aforesaid, are hereby legalized and made valid, ^{Official acts legalized.} as if his bond had been renewed and filed and recorded according to law.

SEC. 2. This act shall take effect and be in force from and ^{Publication.} after its publication in the Iowa State Register and Dallas County News, without expense to the state.

Approved, March 15, 1878.

I hereby certify that the foregoing act was published in the *Iowa State Register*, March 19, and in the *Dallas County News*, March 27, 1878.
JOSIAH T. YOUNG, *Secretary of State.*

CHAPTER 44.

ELECTION IN THE TOWN OF LISBON.

AN ACT to Legalize an Election held in the Town of Lisbon, county S. F. 11.
of Linn, State of Iowa, and to Legalize the Acts of the Mayor, and Town Council in relation thereto.

WHEREAS, At an election held on Monday, the 19th day of ^{Preamble.} November, 1877, in the town of Lisbon, county of Linn, State of Iowa, upon the question of extending the corporate limits of

said town; the vote upon said question resulted in a majority of votes being cast in favor of said extension; and

WHEREAS, Doubts have arisen as to the legality of said election, and the acts of said town council and mayor therein; therefore,

Be it enacted by the General Assembly of the State of Iowa:

Election legalized.

SECTION 1. That the election above mentioned and the acts of the town council and mayor in relation thereto, are hereby declared legal, valid and binding for all purposes expressed or intended thereby, and the incorporate limits thus extended are hereby legalized.

Publication:

SEC. 2. This act, being deemed of immediate importance, shall take effect and be in force from and after its publication, without expense to the state, in the Daily State Register, published in Des Moines, Iowa, and Lisbon Sun, a newspaper published in said town of Lisbon, Iowa.

Approved, March 15, 1878.

I hereby certify that the foregoing act was published in the *Iowa State Register*, March 22, and in the *Lisbon Sun*, March 23, 1878.

JOSIAH T. YOUNG, *Secretary of State*.

CHAPTER 45.

ESTABLISHING THE IOWA WEATHER SERVICE.

S. F 172.

AN ACT to Establish a Central Station of the "Iowa Weather Service," and for the appointment of a Director thereof.

Be it enacted by the General Assembly of the State of Iowa:

Central station at Iowa City.

Gustavus Hinrichs, director.
Duties of director.

SECTION 1. That there be and hereby is established, at Iowa City, a central station for the Iowa weather service, with Gustavus Hinrichs as director thereof; and in case of his death or disability, his successor shall be appointed by the governor.

SEC. 2. The duties of said director shall be to establish volunteer weather stations throughout the state, and supervise the same, to receive reports therefrom, and reduce the same to tabular form, and to report the same quarterly to the state printer, for publication, in the form of the "Iowa Weather Report."

Report to be printed and distributed.

SEC. 3. That the state printer be authorized to print two thousand copies of the said Iowa weather report quarterly, one thousand copies of which shall be for distribution by the said director, and one thousand copies delivered to the secretary of state, to be by him distributed in the same manner as other state documents.

SEC. 4. That there is hereby appropriated the sum of one thousand dollars annually, or so much thereof as may be necessary,

for the purpose of meeting the actual expenses in carrying out the provisions of this measure, but no part of said sum shall be used in payment of salaries to any officer or officers, except for clerk hire, and only upon the order of the said director. \$1,000 appropriated annually.

SEC. 5. This act, being deemed of immediate importance, shall take effect and be in force from and after its publication in the Iowa State Leader, and the Iowa State Register, newspapers published at Des Moines, Iowa. Publication.

Approved, March 15, 1878.

I hereby certify that the foregoing act was published in the *Iowa State Leader*, March 18, and in the *Iowa State Register*, March 19, 1878.

JOSIAH T. YOUNG, *Secretary of State*.

CHAPTER 46.

LEVY OF INSANE TAX IN JEFFERSON COUNTY.

AN ACT to Legalize the levy of certain Taxes in the county of Jefferson, in the State of Iowa. S. F. 272.

WHEREAS, The board of supervisors of Jefferson county, Iowa, at their regular meeting on the 3d day of September, A. D., 1877, levied a tax of one mill on the dollar on the taxable property of said county for insane expenses as provided for by section 1428 of the Code of 1873. Preamble.

WHEREAS, Doubts have arisen in respect to the legality of such levy; therefore,

Be it enacted by the General Assembly of the State of Iowa:

SECTION 1. That the act of said board of supervisors in levying said tax, be, and the same is hereby legalized, and said levy is hereby made legal and valid as though the same had been made in strict conformity to law. Acts of Board Supervisors legalized.

SEC. 2. This act, being deemed of immediate importance, shall take effect from and after its publication in the Iowa State Register and Fairfield Ledger, anything in the statutes of this state to the contrary notwithstanding, such publication to be without expense to the state. Publication.

Approved, March 15, 1878.

I hereby certify that the foregoing act was published in the *Fairfield Ledger*, March 27, 1878.

JOSIAH T. YOUNG, *Secretary of State*.

CHAPTER 47.

LIFE INSURANCE COMPANIES.

S. F. 160.

AN ACT to Define Investments of Life Insurance Companies, and amendatory of Sections 1169 and 1179, Chapter 5, Title IX., of the Code of Iowa.

Be it enacted by the General Assembly of the State of Iowa.

Code, §§ 1169
and 1179
amended.

SECTION 1. That sections eleven hundred and sixty-nine and eleven hundred and seventy-nine, chapter 5, of the Code of Iowa, be amended to read as follows:

Auditor of
State shall as-
certain value
of each policy.

SEC. 1169. As soon as practicable after the filing of said statement of any company organized or doing business under the laws of this state, in the office of the auditor of state, he shall proceed to ascertain the net cash value of each policy in force, upon the basis of American experience table of mortality, and four and a half per cent. interest, or actuary's combined experience table of mortality, with interest at four per cent.; but in case such valuation has been made in New York, or any other state, upon the basis above specified, a certificate of the auditor, controller, or chief financial officer of such state, shall be taken by the auditor of this state as sufficient evidence of the valuation of such policies, and of the amount so required for such reinsurance. For the purpose of making such valuations, when not already made as aforesaid, the auditor may employ a competent actuary to do the same who shall be paid by the company for which the service was rendered; but nothing herein shall prevent any company from making said valuation herein contemplated, which shall be received by the auditor upon such proof as he may determine.

Evidence of
valuation of
policy.

Company
shall be noti-
fied of net
cash value of
policies.

Upon ascertaining the net cash value of policies in force in any company organized under the laws of this state, or doing business in this state, and which has not made the deposit required in section eleven hundred and sixty-four of this chapter, the auditor shall notify said company of the amount, and within thirty days after the date of such notification the officers of such company shall deposit with the auditor the amount of such ascertained valuation of all policies within this state (in the securities described in section eleven hundred and seventy-nine of this chapter). But no joint stock company organized under the laws of this state, or doing business therein, shall be required to make such deposit until the cash value of the policies in force, as ascertained by the auditor, exceeds the amount deposited by said company under section eleven hundred and sixty-two hereof. Foreign companies doing business in this state are not required to make a deposit in this state, provided such deposit has been made in the state where located, or in any other state when they shall have complied with section eleven hundred and sixty-four of this chapter.

Foreign com-
panies.

SEC. 1179. No company organized under the provisions of this chapter shall invest its funds in any other manner than as follows: ^{Investment of funds.}

In the stocks of United States.

In the stocks of this state, or any other state, if at or above par.

In bonds and mortgages on unincumbered real estate within this state, or in the state in which such company is located, worth at least twice the amount loaned thereon, exclusive of improvements.

In the bonds of any county, incorporated city, town, or independent school district, within this state, where such bonds are issued by authority of law, and are approved by the executive council.

In loans upon its own policies, provided that the amount so loaned shall not exceed one-half of the reserve against said policy, as provided in this chapter, at the time such loan is made, and that all policies upon which loans are made shall have been issued and in force at least five years.

All stocks, bonds, or mortgages, owned or held by any company doing business under the provisions of this chapter, whether organized under the laws of this state or not, shall be equal or made to be equal to six per cent. stocks.

SEC. 2. This act, being deemed of immediate importance, shall take effect from and after its publication in the Daily State Register and Daily State Leader, papers published in Des Moines, said publication to be without expense to the state. ^{Publication.}

Approved, March 15, 1878.

I hereby certify that the foregoing act was published in the Iowa State Register and Iowa State Leader, March 16, 1878.

JOSIAH T. YOUNG, *Secretary of State.*

CHAPTER 48.

APPROPRIATION TO PAY EXPENSES OF INAUGURATION.

AN ACT Appropriating Money to Defray Inauguration Expenses. H. F. 425.

Be it enacted by the General Assembly of the State of Iowa:

SECTION 1. That there is hereby appropriated out of any money in the state treasury not otherwise appropriated, the sum of one hundred and twenty one dollars and fifty cents, or so much thereof as may be necessary to pay the expenses incurred by the inauguration ceremonies. ^{\$121.50 appropriated.}

SEC. 2. This act, being deemed by the General Assembly of immediate importance, shall be in force from and after its publication. ^{Publication.}

cation in the Daily Iowa State Leader, and Daily Iowa State Register, newspapers published in Des Moines, Iowa.

Approved, March 15, 1878.

I hereby certify that the foregoing act was published in the *Iowa State Register*, and *Iowa State Leader*, March 16, 1878.

JOSIAH T. YOUNG, *Secretary of State*.

CHAPTER 49.

RELATING TO A CERTAIN TAX VOTED IN WHITEBREAST TOWNSHIP,
WARREN COUNTY, JUNE 10, 1876.

H. F. 417.

AN ACT to Confer the Tax Voted in Whitebreast township, Warren county, Iowa, June 10, 1876, upon the Chariton, Des Moines & Southern Railroad Company.

Preamble.

WHEREAS, The voters of Whitebreast township, Warren county, state of Iowa, did, on the 10th day of June, A. D., 1876, vote a five per cent. tax in aid of a railroad, by a vote of 126 in favor of the proposition, to 37 against the same, the vote being had pursuant to the following notice:

"Notice is hereby given to the qualified electors of Whitebreast township, Warren county, Iowa, that there will be an election held at Lacona, in said township, on the 10th day of June, A. D., 1876, for the purpose of voting for or against a five per cent. tax on the taxable property in said township to aid in constructing a railroad from Chariton, Lucas county, to or within one-eighth of a mile of Lacona, Warren county, Iowa, one half of said tax to be paid when said railroad is completed and the cars are running to or within one-eighth of a mile of Lacona, and the balance of said tax to be paid the following year. By order of the board of trustees of said township.

May 13, 1876.

Signed:

ISAAC MYERS, *Township Clerk*.

And

WHEREAS, The line of railroad is not specified by stating the name of the company proposed to be aided, as provided in section two (2) chapter 123 laws of the sixteenth general assembly: and

WHEREAS, Said tax was intended in aid of the Chariton, Des Moines & Southern Railroad Company, a company organized to build a railroad from Chariton, in a northerly direction to a connection with the Chicago, Rock Island & Pacific Railroad, or a branch thereof, &c., &c.; therefore,

Be it enacted by the General Assembly of the State of Iowa:

SECTION 1. That the tax voted in Whitebreast township, Warren county, State of Iowa, on the 10th day of June, A. D., 1876,

in aid of a railroad from Chariton, Iowa, to within one-eighth of a mile of Lacona, Iowa, is hereby declared collectible and payable to the Chariton, Des Moines & Southern Railroad Company the same as if the name of the company had been mentioned in the notices and call for said election and according to the terms and conditions recited in said notices of election; *Provided*, said company shall locate a depot within one-half mile of Lacona. Conferred upon the C., D. M. and S. R. R. Co. Proviso.

SEC. 2. This act, being deemed of immediate importance, to take effect from and after its publication in the Iowa State Register and Indianola Herald; *Provided*, said publication shall be free of expense to the state. Publication.

Approved, March 15, 1878.

I hereby certify that the foregoing act was published in the *Indianola Herald*, March 21, 1878.

JOSIAH T. YOUNG, *Secretary of State.*

CHAPTER 50.

EXEMPTIONS FROM TAXATION.

AN ACT to Amend Section 798, and to Repeal Section 799, of Title Sub. H. F. 184, Chapter 1, of the Code, relating to Exemptions for planting and cultivating Forest Trees.

Be it enacted by the General Assembly of the State of Iowa:

SECTION 1. That section 798, of title 6, chapter 1, of the Code, be amended, by adding, after the word "planted," in the fifth line, the words: "*Provided*, That such exemption be applied only to the realty owned by the party claiming the exemption, not to exceed each one hundred and sixty acres of land, upon which the trees are grown and in a growing condition." Code, § 798 amended. Planting of forest trees.

SEC. 2. That section 799 of the Code be and the same is hereby repealed. Code, § 799 repealed.

SEC. 3. This act, being deemed of immediate importance, shall be in force and effect on and after its publication in the Iowa State Register, Iowa State Leader, and Staats Anzeiger, newspapers published in Des Moines. Publication.

Approved, March 15, 1878.

I hereby certify that the foregoing act was published in the *Iowa State Register*, March 16, *Iowa State Leader*, March 16, and in the *Staats Anzeiger*, March 22, 1878.

JOSIAH T. YOUNG, *Secretary of State.*

CHAPTER 51.

SUB-DIVIDING THE FIRST, FIFTH, AND SEVENTH JUDICIAL CIRCUITS.

Sub. S. F. 10 AN ACT in relation to the First, Fifth, and Seventh Judicial Circuits and 65. of the State; Sub-dividing the same, Providing for Appointment and Election of Judges of the Circuit Courts therein, and defining the Powers and Duties thereof.

Be it enacted by the General Assembly of the State of Iowa:

SECTION 1. That the first judicial district of this state is hereby divided into two circuits, which shall be known as the first and second circuits of said judicial district, and shall be constituted as follows:

The first circuit of the first judicial district, shall be composed of the counties of Lee and Henry.

The second circuit of the first judicial district, shall be composed of the counties of Des Moines and Louisa.

SEC. 2. The fifth judicial district of this state is hereby divided into two circuits, which shall be known as the first and second circuits of said judicial district, and shall be constituted as follows:

The first circuit of the fifth judicial district, shall be composed of the counties of Polk and Warren.

The second circuit of the fifth judicial district, shall be composed of the counties of Madison, Adair, Guthrie, and Dallas.

SEC. 3. The seventh judicial district of this state is hereby divided into two circuits, which shall be known as the first and second circuits of said judicial district, and shall be constituted as follows:

The first circuit of the seventh judicial district, shall be composed of the counties of Clinton and Jackson.

The second circuit of the seventh judicial district shall be composed of the counties of Scott and Muscatine.

SEC. 4. From and after the first day of June, in the year 1878, the circuit judges at this date presiding over the circuits as now constituted in the first, fifth and seventh judicial districts respectively, shall be and are hereby assigned to the first circuits of their said respective districts, as herein before created, and during the term to which said circuit judges have been elected, and are now acting, the said circuit judges shall have and exercise jurisdiction within said respective first circuits to which they are by this act severally assigned, with same authority, powers and jurisdiction as though the subdivisions made by this act had been made and been in force at the date of their several elections as aforesaid, and any vacancy occurring in said first circuits, shall be filled for said first circuits in the same manner as now provided by law for filling vacancies in judicial circuits.

SEC. 5. Within thirty days from the taking effect of this act, the governor shall appoint a circuit judge for each of the several

second circuits by this act created, who shall, within thirty days thereafter, severally qualify as circuit judges are now required to qualify, and shall enter upon their duties as circuit judges of said respective second circuits upon the first day of June, in the year 1878. The terms of office of said appointees shall expire on the first day of January, in the year 1879.

Judges for second circuits to be appointed.

Terms begin June 1, 1878, and end January 1, 1879.

Provided, That any vacancies occurring in said second circuit previous to said first day of January, 1879, shall be filled by appointment by the governor in the manner now provided for filling vacancies in the office of circuit judge.

Proviso: Vacancies.

SEC. 6. The said judges who may be appointed under section five hereof, or elected under the provisions of this act of said second circuits of said judicial districts, shall for and during the period after they enter upon their duties, and up to the first day of January, 1880, hold terms of their said several courts at the times heretofore designated and assigned, and now being the times for holding the terms of the circuit courts in the counties composing said respective second circuits, and they are hereby authorized to hold such special terms in any county for the trial of continued causes pending in said circuit courts as may be ordered by the circuit judge now acting, or that may be appointed for that county.

Terms of court in second circuits to be held as heretofore fixed.

Special terms may be held.

Provided, Said order for a special term is made and entered at a regular term of said circuit court; and,

Provided further That said special term shall be for trial of only those causes for which the last preceding regular term was the trial term, or in which both parties consent.

SEC. 7. At the general election to be held in the year 1878 there shall be elected in the counties composing said second circuits, as by this act constituted, a circuit judge of the respective second circuits within which said counties are situated as aforesaid, and notice of the holding of said election shall be included in the proclamation of the governor relating to such general election.

Proviso: when special term shall be ordered.

Proviso: special term shall only try certain cases. Election in second circuits in year 1878.

SEC. 8. The term of office of the several judges of the said second circuits of said judicial districts, as hereinbefore created, who shall be first elected under the provisions of this act, shall commence on the first day of January, in the year 1879, and shall expire on the first day of January, in the year 1881.

Terms of office of judges in second circuits.

Provided, The governor shall have the same authority to fill vacancies, and the same provisions of law shall apply, and with the same force and effect, to any vacancies occurring in any of said first or second circuits by this act created, as now apply to vacancies in judicial circuits.

Proviso: vacancies to be filled by appointment.

SEC. 9. At the general election to be held in the year 1880, and every fourth year thereafter, there shall be elected a judge of the circuit court for each of the said first and second circuits by this act created, who shall hold his office for the term of four years, and until his successor is elected and qualified.

Term of office of judges in first and second circuits after 1880.

SEC. 10. The judges of the several first and second circuits by this act created, shall have and exercise within the counties constituting their said respective circuits, all the rights, powers

Rights, powers and jurisdiction.

and jurisdiction which are at this date possessed and exercised by the several circuit judges within said counties, and all provisions of law now applicable to the circuit court or to the judge thereof shall apply, and are hereby made to apply, with same force and effect, to said courts within said first and second circuits, and to the judges whose appointment and election are herein provided for, except so far as the same may be inconsistent with the provisions of this act.

Records. SEC. 11. The records and books heretofore kept for the business of the circuit courts within and for said counties, shall be continued and used within said respective counties for the same purposes, under the provisions of this act.

Repealing clause. SEC. 12. All acts and parts of acts inconsistent with the provisions of this act, are hereby repealed.

Publication. SEC. 13. This act, being deemed of immediate importance, shall take effect and be in force from and after its publication in the Iowa State Register, and Iowa State Leader, newspapers published at Des Moines, Iowa, the provisions of section 33, of the Code, to the contrary notwithstanding.

Approved, March 16, 1878.

I hereby certify that the foregoing act was published in the *Iowa State Leader*, March 18, and in the *Iowa State Register*, March 19, 1878.

JOSIAH T. YOUNG, *Secretary of State.*

CHAPTER 52.

ROAD SUPERVISORS.

S. F. 245. AN ACT to Amend Section 990, Chapter 2, Title 7, of the Code of 1873.

Be it enacted by the General Assembly of the State of Iowa:

Code, § 990 amended. SECTION 1. That section 990, chapter 2, title 7, of the Code of 1873, which is in words and figures, as follows:

Damages caused by unsafe bridge or highway. "Section 990. When notified in writing that any bridge or any portion of the public highway is unsafe, the supervisor shall be liable for all damages resulting from the unsafe or impassable condition of the highway or bridge; after allowing a reasonable time for repairing the same."

Be, and the same is hereby amended, by adding thereto the following:

County bridge. "And if there is in his district any bridge erected or maintained by the county, then, in that event, he shall, on such notice of the unsafe condition of such county bridge, as soon as he reasonably can, obstruct passage on such bridge and use strict diligence in notifying at least one member of the board of supervisors of his county in writing of the unsafe condition of such bridge; and if he fails so to obstruct and notify, he shall be liable for all dam-

Liability of supervisor.

ages growing out of the unsafe condition of such bridge, occurring between the time he is so notified and such time as he neglects in obstructing such passage; and any person who shall remove such obstruction shall be liable for all damages occurring to any person resulting from such removal."

Provided, That nothing herein contained shall be construed to *Proviso.* relieve the county from liability for the defects of said bridge.

Approved, March 16, 1878.

CHAPTER 53.

SALE OF SCHOOL LANDS IN ALLAMAKEE COUNTY.

AN ACT to Legalize the Sale of certain School Lands in Allamakee s. F. 158. county.

WHEREAS, The board of supervisors of Allamakee county, *Preamble.* made sale by contract, of certain school lands in said county to different parties, which land is described as follows, to-wit: The n. half, s. e. $\frac{1}{4}$ section 16, town 96, range 4. The s. half, n. e. $\frac{1}{4}$ section 34, town 97, range 6. The n. e. $\frac{1}{4}$ n. e. $\frac{1}{4}$ section 8, town 96, range 6. The n. w. n. w. section 9, town 96, range 6. The n. w. n. w. section 34, town 97, range 5, west of the fifth P. M., the appraisement of which fails to appear of record; and,

WHEREAS, The said board made sale of a certain other parcel of school land, by contract, to-wit: The n. half s. e. section 16, 99, 6, west of the 5th P. M., the same having been sold for a sum less than the appraised value; therefore,

Be it enacted by the General Assembly of the State of Iowa:

SECTION 1. That the sales of said land are hereby legalized *Sales legal-* and made valid to the same extent as if the said appraisement *ized.* appeared of record; and that the sale of the said n. $\frac{1}{4}$ s. e. $\frac{1}{4}$ section 16, 99, 6, be also legalized and made valid to the same extent as if it had been sold for a sum equal to or about its appraised value; and that upon the transmission of a certificate to the state land office, by the county auditor of said county, certifying that the several purchasers of said parcels of land have *Patents to be* paid the contract price for the same, the said parties thus pur- *issued.* chasing shall each be entitled to a patent for said land.

Approved, March 16, 1878.

CHAPTER 54.

NORMAL INSTITUTES.

S. F. 44. AN ACT to Amend Section 1, Chapter 57, of Public Laws of the Fifteenth General Assembly, in Relation to holding Normal Institutes.

Be it enacted by the General Assembly of the State of Iowa:

SECTION 1. That section one, of chapter 57, of public laws of § 1, chapter 57, the fifteenth general assembly, be, and the same are [is] hereby amended to read as follows:

The county superintendent shall hold, annually, a normal institute for the instruction of teachers and those who may desire to teach, and with the concurrence of the superintendent of public instruction, procure such assistance as may be necessary to conduct the same, at such time as the schools in the county are generally closed. To defray the expenses of said institute, he shall require the payment of a registration fee of one dollar from each person attending the normal institutes, and shall also require the payment, in all cases, of one dollar from every applicant for a certificate.

Approved, March 16, 1878.

CHAPTER 55.

IN RELATION TO SETTING OUT FIRES.

S. F. 15. AN ACT to repeal Section 3889 of Chapter 3, Title 24 of the Code, in relation to setting out Fires, and to enact a Substitute therefor.

Be it enacted by the General Assembly of the State of Iowa:

SECTION 1. That section 3889, of chapter 3, title 24, of the Code of 1873 be, and the same is hereby repealed, and the following enacted in lieu thereof:

Section 3889. If any person wilfully, or without using proper caution, set fire to and burn, or cause to be burned, any prairie or timbered land, or any enclosed or cultivated field, or any highway, by which the property of another is injured or destroyed, he shall be fined not exceeding five hundred dollars, or imprisoned in the county jail not more than one year, or by both fine and imprisonment, in the discretion of the court.

Approved, March 16, 1878.]

CHAPTER 56.

COMPENSATION OF CERTAIN OFFICERS IN CITIES.

AN ACT requiring that Officers in certain Cities may receive a fixed Compensation, and that all Fees now allowed such Officers shall be paid into the Treasuries of such Cities. H. F. 388.

Be it enacted by the General Assembly of the State of Iowa:

SECTION 1. That all cities of the 1st class, organized under the general incorporation law, and all cities organized under special charter, may provide by ordinance that all judges of police courts or other city courts, city marshals, chiefs of police, police officers, and all other officers elected or appointed, shall receive, in lieu of all fees now allowed by law or ordinance, such fixed salary, in monthly or quarterly installments as may be provided by ordinance, when not provided by law, which salary, when it shall have been fixed, shall not be increased or diminished during their terms of office. Officers to receive salary instead of fees.

SEC. 2. No such officer of any such city shall receive, for his own use, any fees or other compensation for his services of such city, than that which shall be provided as contemplated in section one (1) of this act; but all such fees as are now or may hereafter be allowed by law for such services, shall, by such officer, when collected, be paid into the city treasury, at such time and in such manner as may be prescribed by ordinance. No officer shall receive other compensation than salary.

SEC. 3. All acts and parts of acts in conflict herewith are hereby repealed; *Provided*, That the intent of this act is not to abolish any fees now allowed by law, but to require the same to be paid into the city treasury. Repealing clause. Proviso: all fees received to be paid into treasury.

SEC. 4. This act, being deemed of immediate importance, shall take effect and be in force from and after its publication in the Iowa State Register, and Iowa State Leader, newspapers published at Des Moines, Iowa. Publication.

Approved, March 18, 1878.

I hereby certify that the foregoing act was published in the *Iowa State Register*, and *Iowa State Leader*, March 19, 1878.

JOSIAH T. YOUNG, *Secretary of State*,

CHAPTER 57.

RELATING TO THE ESTABLISHMENT OF A STATE DEPOSITORY.

S. F. 211.

AN ACT authorizing the Establishment of a Depository or Depositories in the City of Des Moines for the Collection of Drafts, Checks, and Certificates of Deposit, received by the Treasurer of State on account of State Dues.

Be it enacted by the General Assembly of the State of Iowa:

Treasurer of State with advice of Executive council may designate bank as depository.

Bank so designated shall give security.

SECTION 1. That the treasurer of state, with the advice and approval of the executive council, may designate one or more banks in the city of Des Moines as a depository for the collection of any drafts, checks, and certificates of deposit that may be received by him on account of any claims due the state.

SEC. 2. That the bank or banks designated as such depository shall be required to give security to the state, to be approved by the executive council, for the prompt collection of all drafts, checks, certificates of deposit, or coupons, that may be delivered to such depository by the treasurer of state for collection; and also for the safe keeping and prompt payment, on the treasurer's order, of the proceeds of all such collections; also, for the payment of all drafts that may be issued to said treasurer by such depository.

Treasurer may deposit drafts, &c., in bank.

And bank shall collect same without delay.

SEC. 3. That the treasurer of state, on the receipt of any draft, check or certificate of deposit, on account of state dues, may place the same in such depository for collection, and it shall be the duty of such depository to collect the same without delay and shall charge no greater per cent. for such collection than the minimum per cent. charged to other parties and notify the treasurer when collected. On the receipt of such notice, the treasurer shall issue his receipt to the party entitled thereto, as now required by law.

This act not to release state or county treasurer from any liability.

Repealing clause.
Publication.

SEC. 4. That the provisions of this act shall in no way release the treasurer of state or his bondsmen, or any county treasurer or his bondsmen, from any liabilities now imposed by law.

SEC. 5. That all acts and parts of acts inconsistent with this act are hereby repealed.

SEC. 6. This act, being deemed of immediate importance, shall be in force from and after its publication in the Iowa State Register, and Iowa State Leader, newspapers published at Des Moines, Iowa.

Approved, March 20, 1878.

I hereby certify that the foregoing act was published in the Iowa State Register, and Iowa State Leader, March 22, 1878.

JOSIAH T. YOUNG, Secretary of State.

CHAPTER 58.

RE-FUNDING OUTSTANDING BONDED INDEBTEDNESS.

AN ACT to authorize Counties, Cities and Towns to Re-fund outstanding Bonded Debt at a lower rate of interest, and to provide for the payment of the same. H. F. 150.

Be it enacted by the General Assembly of the State of Iowa:

SECTION 1. That counties, cities and towns are hereby authorized and empowered, if by a vote of two-thirds of the board of supervisors or city or town council, as the case may be, it be deemed for the public interest to refund the indebtedness of such corporation, evidenced by the bonds thereof heretofore issued and outstanding at the time of the passage of this act, and to issue the coupon bonds of such corporation in sums not less than one hundred dollars nor more than one thousand dollars, having not more than twenty years to run, redeemable in lawful money of the United States of America, at the pleasure of such corporation, after five years from the date of their issue, and bearing interest payable semi-annually at a rate not exceeding eight per centum per annum, which bonds shall be substantially in the following form:

No. _____

The _____ of _____, in the State of Iowa, for value received, promises to pay _____ or _____ order, at the office of the treasurer of said _____ in _____, on the first day of _____, or at time before that date after the expiration of five _____ years at the pleasure of the said _____, the sum of _____ dollars, with interest at the rate of _____ per cent. per annum, payable at the office of said treasurer semi-annually, on the first days of _____ and _____ in each year on presentation and surrender of the interest coupons hereto attached. This bond is issued by the _____ of said _____ under the provisions of chapter _____ of the session laws of the seventeenth general assembly of Iowa, and in conformity with a resolution of said _____, dated _____ day of _____, 18____. In testimony whereof the said _____ has caused this bond to be signed by the _____ [L.S.] _____ and attested by the _____ seal attached this _____ day _____ of _____, 18____, and the interest coupons shall be in the following form:

§ _____
The treasurer of _____, Iowa, will pay to the holder hereof on the _____ day of _____, 18____, at his office in _____ dollars for interest on _____ bond No. _____, issued under provisions of chapter _____ of the session laws of the seventeenth general assembly.

SEC. 2. The treasurer of any such corporation is hereby authorized to sell and dispose of the bonds issued under this act at not less than their par value, and to apply the proceeds thereof to

Board of supervisors, city or town council may re-fund corporate indebtedness.

In bonds to run not more than twenty years.

Form of bond

Treasurer to sell the same at not less than par.

the redemption of the outstanding bonded debt; or he may exchange such bonds for outstanding bonds par for par; but the bonds hereby authorized shall be issued for no other purpose whatever; *Provided*, However, such corporation may appropriate not to exceed two per centum of the bonds herein authorized to pay the expenses of preparing, issuing, advertising and disposing of the same, and may employ a financial agent therefor.

Proviso:
expense of
preparing
and dispos-
ing of bonds.

SEC. 3. The board of supervisors or common council of any city or town, as the case may be, shall cause to be assessed and levied each year upon the taxable property of the county, city or town, as the case may be, in addition to the levy authorized for other purposes a sufficient sum to pay the interest on outstanding bonds issued in conformity with the provisions of this act, accruing before the next annual levy, and such proportion of the principal that at the end of eight years the sum raised from such levies shall at least equal fifteen per cent. of the amount of bonds issued; at the end of ten years at least thirty per cent. of the amount, and at or before the date of maturity of the bonds, shall be equal to the whole amount of the principal and interest; and the money arising from such levies shall be known as the bond fund, and shall be used for the payment of bonds and interest coupons, and for no other purpose whatever; and the treasurer of such county, city or town, shall open and keep in his book a separate and special account thereof, which shall, at all times, show the exact condition of said bond fund.

Levy to pay
interest on
bonds,

And part of
principal.

Treasurer
shall keep a
separate ac-
count of said
fund.

SEC. 4. *Whatever* [whenever] the amount in the hands of the treasurer of any such county, city, or town belonging to the bond fund, after setting aside the sum required to pay the interest coupons maturing before the next levy, is sufficient to redeem one or more bonds, he may notify the owner of such bond or bonds that he is prepared to pay the same, with all interest accrued thereon, and if said bond or bonds are not presented for payment or redemption within thirty days after the date of such notice, the interest on such bond shall cease, and the amount due thereon shall be set aside for its payment whenever presented; *Provided*, however, that nothing herein shall be construed to mean that any such bond or bonds issued in accordance with this act, shall be due or payable before the expiration of five years after its date of issue.

Upon notice
to bond-
holder by
treasurer, in-
terest on
bond will
cease.

Proviso:

All redemptions shall be made in the exact order of their issuance, beginning at the lowest or first number, and the notice herein required shall be directed to the post-office address of the owner, as shown by the record kept in the treasurer's office.

Bonds shall
be redeemed
in order of
their issuance

SEC. 5. If the board of supervisors of any county, or the common council of any city or town which has issued bonds under the provisions of this act shall fail to make the levy necessary to pay such bonds or interest coupons at maturity, and the same shall have been presented to the treasurer of any such county, city, or town, and payment thereof refused, the owner may file the bond, together with all unpaid coupons, with the auditor of state, taking his receipt therefor, and the same shall be registered in the auditor's office, and the executive council shall at their next

In case board
or council fail
to order levy,

And payment
of bond is re-
fused.

session, as a *bond* [board] of equalization, and at each annual equalization thereafter, add to the state tax to be levied in said county, city, or town, a sufficient rate to realize the amount of principal or interest past due and to become due prior to the next levy, and the same shall be levied and collected as a part of the state tax, and paid into the state treasury, and passed to the credit of such county, city, or town, as bond tax, and shall be paid by warrant as the payments mature to the holder of such obligation, as shown by the register in the office of the state auditor until the same shall be fully satisfied and discharged; *Provided*, That nothing in this act shall be construed to limit or postpone the right of any holder of any such bonds, to resort to any other remedy which such holder might otherwise have.

The State board of equalization shall add to the state tax a sufficient rate to pay amount due. And same shall be levied and collected as a part of state tax. *Proviso:* Bondholder may resort to any other remedy.

SEC. 6. This act, being deemed by the general assembly of immediate importance, shall take effect from and after its publication in the Iowa State Register, and Iowa State Leader, newspapers published at Des Moines, Iowa.

Approved, March 20, 1878.

I hereby certify that the foregoing act was published in the Iowa State Register, and Iowa State Leader, March 22, 1878.

JOSIAH T. YOUNG, Secretary of State.

CHAPTER 59.

TAXATION OF TELEGRAPHS.

AN ACT to Provide for the Assessment and Taxation of Telegraph Lines within the State of Iowa. Additional to Code, Title X., Chapter 6: "Of Telegraphs." H. F. 90.

Be it enacted by the General Assembly of the State of Iowa:

SECTION 1. That all telegraph lines built and operated within the state of Iowa shall be subject to taxation, as hereinafter required. All telegraphs shall be subject to taxation.

SEC. 2. It shall be the duty of the president, vice-president, general manager or superintendent of every telegraph company operating a line in this state, to furnish the auditor of state, on or before the first Monday of May in each year, a statement under oath, and in such form as the auditor may prescribe, showing the following facts: *First*—The total number of miles owned, operated or leased, within the state, with a separate showing of the number leased. *Second*—The total number of miles in each separate line or division thereof, together with the number of separate wires thereon, and stating the counties through which the same is carried. *Third*—The total number of telegraph stations on each separate line, and the total number of telegraphic instruments in use therein, together with the total number of Every telegraph company shall report annually to auditor of state.

stations, other than railroad stations, maintained. *Fourth*—The average number of telegraph poles, per mile, used in the construction and maintenance of said lines.

Upon which report the State board of equalization shall assess.

SEC. 3. Upon the receipt of the said statement from the several companies, the auditor of state shall lay the same before the state board of equalization at its meeting on the second Monday in July in each year, which shall proceed to assess said telegraph lines at the true cash value thereof.

And shall determine the rate of tax to be levied.

SEC. 4. The said state board shall also, at said meeting, determine the rate of tax to be levied and collected upon said assessment, which shall not exceed the average rate of taxes, general, municipal and local, levied throughout the state during the previous year, which rate shall be ascertained from the records and files in the auditor's office, which tax shall be in lieu of all other taxes, state and local, and shall be payable into the state treasury.

When tax shall become due.

SEC. 5. The taxes levied as provided by this chapter, shall become due and payable at the state treasury on the first day of February, following the levy thereof, and if said taxes are not paid as herein provided, it shall be the duty of the treasurer of state to collect the same by distress and sale of any property belonging to such company in the state, in the same manner as required of county treasurers, in like cases, by section 858 of the Code; and the record of the state board in such case shall be sufficient warrant therefor.

Proviso: Telegraph line used by, and taxed as property of railroad exempt from provisions of this act.

SEC. 6. *Provided*, however, That any telegraph line which may be owned and operated by any railroad company exclusively for the transaction of the business of such company, and which has been duly reported as such in the annual report of such company, and been duly taxed as part of the property thereof under the laws providing for the taxation of railway property, shall be exempt from the provisions of this act.

Penalty for not filing report as per § 2.

SEC. 7. If the officers of any company fail to make and file the report required by section two (2) of this act such neglect shall not release its lines from taxation, but the state board shall proceed to assess the line notwithstanding, adding thereto thirty per centum on the assessable value thereof.

Repealing clause.

SEC. 8. All acts in conflict herewith are hereby repealed.

Publication.

SEC. 9. This act, being deemed of immediate importance, shall take effect from and after its publication in the Iowa State Register, and Iowa State Leader, newspapers published at Des Moines, Iowa.

Approved, March 21, 1878.

I hereby certify that the foregoing act was published in the Iowa State Register, and Iowa State Leader, March 23, 1878.

JOSIAH T. YOUNG, Secretary of State.

CHAPTER 60.

QUIETING A TITLE IN IOWA CITY.

AN ACT to amend Chapter 50, Section One, of the Twelfth General H. F. 397.
Assembly.

Be it enacted by the General Assembly of the State of Iowa:

SECTION 1. That section one, chapter fifty, of the twelfth general assembly, be amended by striking out the word ("one") in the *fifth* [sixth] line of said section and inserting the word (two.)

Chapter 50, § 1,
12th G. A.
amended.
Lot 2 instead
of lot 1.
Publication.

SEC. 2. This act shall take effect and be in force from and after its publication in the State Register, and Iowa City Press, said publication to be without expense to the state.

Approved, March 21, 1878.

I hereby certify that the foregoing act was published in the *Iowa City Press*, March 22, and in the *Iowa State Register*, April 3, 1878.

JOSIAH T. YOUNG, *Secretary of State*.

CHAPTER 61.

FARMERS' MUTUAL FIRE INSURANCE COMPANY OF CLAYTON COUNTY.

AN ACT to legalize the Acts and Incorporation of the Farmer's Mutual Fire Insurance Company of Clayton county, Iowa. H. F. 549.

WHEREAS, There was organized February 15, 1875, the Farmer's Mutual Insurance Company, of Clayton county, Iowa, whose articles of incorporation were duly filed February 15, 1875, and recorded in the office of the recorder of Clayton county, Iowa, wherein is situated the principal and only place of business of said corporation, but by oversight a copy of said articles was not filed with the secretary of state, as in such cases made and provided, until July 3d, 1877. The said association has, since its organization, been proceeding to conduct and carry on its business; now, therefore,

Be it enacted by the General Assembly of the State of Iowa:

SECTION 1. That the incorporation of the Farmer's Mutual Fire Insurance Company of Clayton county, Iowa, be and the same is hereby legalized, as are all the acts and proceedings of said association since done in pursuance of its articles, the same as if said articles of incorporation had been duly filed, and no act of the said association, or of its board of directors, shall be invalid

Incorporation and acts of officers thereunder legalized.

by reason of the omission to file said articles of association with the secretary of state.

Publication. SEC. 2. This act, being deemed of immediate importance, shall take effect from and after its publication in the Iowa State Register, a newspaper published at Des Moines, Iowa, and the Clayton County Journal, a newspaper published at Elkader, Iowa, without expense to the state,

Approved, March 21, 1878.

I hereby certify that the foregoing act was published in the *Clayton County Journal*, March 27, and in the *Iowa State Register*, April 25, 1878.

JOSIAH T. YOUNG, *Secretary of State.*

CHAPTER 62.

TOWN OF SOLON.

H. F. 510. AN ACT to Legalize the Incorporation and Ordinances of the Town of Solon, Johnson county, Iowa.

Preamble. WHEREAS, The town, of Solon, Johnson county, Iowa, embracing the e $\frac{1}{2}$ of sw $\frac{1}{4}$, and nw $\frac{1}{4}$ of sw $\frac{1}{4}$, and a part of se $\frac{1}{4}$ of the nw $\frac{1}{4}$ of section 24, and also a portion of the e $\frac{1}{2}$ of the nw $\frac{1}{4}$, and nw $\frac{1}{4}$ of nw $\frac{1}{4}$, and the w $\frac{1}{2}$ of ne $\frac{1}{4}$ of section 25, all of township 81, range 6, Johnson county, Iowa, on the 7th day of March, 1877, duly filed its petition to be incorporated under the general incorporation laws of the State of Iowa; and,

WHEREAS, Said town of Solon held its first election for municipal officers on the ——— day of June, 1877, and has regularly transacted business since and enacted ordinances; and,

WHEREAS, Doubts have arisen as to the legality of said incorporation, and the ordinances ordained thereunder; therefore,

Be it enacted by the General Assembly of the State of Iowa:

Incorporation, and acts of council legalized. SECTION 1. That the incorporation of the town of Solon, Johnson county, Iowa, be, and the same is hereby legalized, and that all the official acts of the town council of the said town of Solon done and performed since its organization, and in the organization thereof, be, and the same are hereby legalized and declared legal and valid.

Publication. SEC. 2. This act, being deemed of immediate importance, shall take effect from and after its publication in the "Iowa State Register," and "Iowa State Leader," newspapers published at Des Moines, Iowa, without expense to the State.

Approved, March, 21, 1878.

I hereby certify that the foregoing act was published in the *Iowa State Leader*, April 4, 1878.

JOSIAH T. YOUNG, *Secretary of State.*

CHAPTER 63.

TOWN OF WILTON.

AN ACT to Legalize the Incorporation, Ordinances, and Acts of the Officers of the Town of Wilton, in the County of Muscatine. H. F. 543.

WHEREAS, The town of Wilton, in the county of Muscatine, was incorporated in the year 1857, under the provisions of the Code of 1851, a charter adopted in due form, which was immediately filed with the county judge of Muscatine county, who failed to make any record of the preliminary measures taken by the voters of said town, and neglected to record the charter, as was provided by law, but which charter was subsequently recorded by the county judge in the proper records of municipal corporations; and,

WHEREAS, The legal voters of said town, continuously after the adoption of said charter in 1857, and up to the year 1869, elected officers as provided thereby, and by said officers continuously conducted the municipal affairs of said town as though it had been regularly incorporated up to the year 1869; and,

WHEREAS, In the year 1869, and after the taking effect of chapter 157 of the laws of the seventh general assembly, entitled "An act for the incorporation of cities and towns," being chapter 51 of title 9 of the "Revision of 1860," the legal voters of said town manifested by the election of the officers mentioned in section 51 of said act, (section 1081 of the revision) their intention to organize as an incorporated town under the provisions of said act, and the citizens and voters of said town, continued to act under the provisions of said chapter 51 of the revision, and all amendments thereto until the repeal of the same by chapter 10 of title 4 of the Code of Iowa, of 1873, since which time they have acted and are now acting under the provisions of said Code, and all amendments thereof, but doubts having arisen as to the regularity of the original incorporation of said town and its subsequent reorganization under said chapter 51 of the revision; therefore,

Be it enacted by the General Assembly of the State of Iowa :

SECTION 1. That the original incorporation of the town of Wilton, in Muscatine county, with all amendments and changes made in the charter of said town, including its reorganization under said chapter 51 of the revision of 1860, and all ordinances and acts of said corporation and of the officers acting by virtue of authority thereby conferred, be, and the same are hereby ratified and legalized, and declared to have the same force and effect as if the original incorporation and subsequent reorganization of said town had been regular and in strict and full compliance with the laws then in force.

SEC. 2. This act, being deemed of immediate importance, shall take effect from and after its publication in the Iowa State Register, and Wilton Review, provided such publication shall not be at the expense of the state.

Approved, March 21, 1878.

I hereby certify that the foregoing act was published in the *Iowa State Register*, March 26, and in the *Wilton Review*, March 28, 1878.

JOSIAH T. YOUNG, *Secretary of State*.

CHAPTER 64.

AUTHORIZING ISSUANCE OF PATENTS TO CERTAIN LANDS IN MONONA COUNTY.

H. F. 427. AN ACT authorizing Patents to issue to Neal McNeil, Richard Stebbins and Moses Adams for certain Lands in Monona county.

Preamble. WHEREAS, The trustees of Franklin township, in Monona county, Iowa, surveyed, sub-divided, allotted and appraised section 16, township 83, range 45, by which survey and allotment said section was estimated to contain 616 84-100 acres, instead of 640 acres, as estimated by the original survey, which survey, allotment and appraisal made by the trustees was approved by the county judge, and the tracts advertised and sold to the highest bidder as containing the number of acres designated by said allotment; and,

WHEREAS, The southwest quarter of said section was sold to Neal McNeil as containing 154 15-100 acres instead of 160 acres; the southwest quarter of the southeast quarter was sold to Richard Stebbins as containing 38 60-100 acres instead of 40 acres, and the southeast quarter of the southeast quarter was sold to Moses Adams as containing 38 76-100 acres instead of 40 acres; therefore,

Be it enacted by the General Assembly of the State of Iowa:

SECTION 1. That the sale of the southwest quarter of section 16, township 83, range 45, to Neal McNeil, the sale of the southwest quarter of the southeast quarter of said section to Richard Stebbins, and the southeast quarter of the southeast quarter of said section to Moses Adams, is legalized and confirmed, and the governor is authorized to issue patents to said Neal McNeil, Richard Stebbins and Moses Adams for the full quantity of said tracts on presentation to the Register of the State Land Office of certificates of final payment by the county auditor of Monona county, showing that payment has been made for the quantity of land estimated to be contained in said tracts as shown by the survey and allotment made by the township trustees.

Sale of lands
legalized.

And patents
to be issued.

SEC. 2. This act, being deemed of immediate importance, shall take effect and be in force from and after its publication in the Iowa State Register, and Monona County Gazette, without expense to the State. Publication.

Approved, March 21, 1878.

CHAPTER 65.

FEES OF AGENT FOR RETURN OF FUGITIVES FROM JUSTICE.

AN ACT to Amend Section 4171 of the Code, Relating to Fugitives from S. F. 268. Justice.

Be it enacted by the General Assembly of the State of Iowa:

SECTION 1. That section 4171 of the Code, be, and the same is hereby amended by adding thereto the following : Code, § 4171, amended.

"The expenses to be allowed agents for returning fugitives from justice, shall be the fees paid the officers of the state upon whose governor the requisition is made; and the agent shall receive not exceeding ten cents per mile, each way, for all necessary travel of himself and for each fugitive, five cents per mile additional for the number of miles which such fugitive shall have been conveyed. Expenses to be allowed. Ten cents per mile mileage.

Bills for such expenses shall be made out in such manner as to show the actual route traveled, and the number of miles, and be verified by affidavit, and be accompanied by proof that the fugitive for whom requisition was made has been returned and delivered into the custody of the proper authority; *Provided*, That the State shall, in no case, pay the costs of returning the fugitive where he has not been tried, unless it shall be shown to the satisfaction of the governor that the want of trial has not been owing to any fault or neglect on the part of the person or persons interested in the prosecution. Form of bills for expenses. Proviso: Fugitive must have been tried.

SEC 2. This act, being deemed of immediate importance, shall take effect and be in force from and after its publication in the Iowa State Register, and Iowa State Leader, newspapers published at Des Moines, Iowa. Publication.

Approved, March, 21, 1878.

I hereby certify that the foregoing act was published in the *Iowa State Leader*, March 22, and in the *Iowa State Register*, March 23, 1878.

JOSIAH T. YOUNG, *Secretary of State.*

CHAPTER 66.

ALGONA COLLEGE.

S. F. 307. AN ACT to legalize the Incorporation of the Trustees of the Algona College.

Preamble.

WHEREAS, The trustees of the Algona college, an institution of learning located at Algona, in the county of Kossuth, state of Iowa, adopted articles of incorporation on the 31st of May, 1873, and have since that time been in the full exercise of all the powers and duties imposed by said articles; and,

WHEREAS, The incorporators and officers failed and neglected, without fault, to acknowledge the said articles of incorporation; and,

WHEREAS, Doubts exist as to the validity and legality of said organization by reason of said failure; therefore,

Be it enacted by the General Assembly of the State of Iowa:

Incorporation legalized.

SECTION 1. That all and every act of said incorporation, known as the trustees of the Algona college, and any and all contracts made by or with it are hereby declared legal and binding in all respects, so far as the same may be affected by said failure to properly acknowledge said articles, and the said incorporation shall notwithstanding such failure have and possess any and all the powers conferred by said articles of incorporation.

Publication.

SEC. 2. This act, being deemed of immediate importance, shall take effect from and after its publication in the Algona Republican, and Upper Des Moines, newspapers published in Algona, Iowa, without expense to the state.

Approved, March 21, 1878.

I hereby certify that the foregoing act was published in the *Iowa State Register*, March 26, in the *Upper Des Moines*, March 28, and in the *Algona Republican*, April 3, 1878.

JOSIAH T. YOUNG, *Secretary of State*.

CHAPTER 67.

RELATING TO THE GOVERNMENT OF STATE INSTITUTIONS.

S. F. 299. AN ACT making it unlawful for Officers of State Institutions to contract Indebtedness in excess of the Appropriations or divert Funds from purposes for which the same were appropriated and providing a punishment therefor. Additional to Code, Title II., Chapter 9.

Be it enacted by the General Assembly of the State of Iowa:

SECTION 1. It shall be unlawful for any trustee, superintend-

ent, warden, or other officer, of any of the educational, penal, or charitable institutions of this state to contract any indebtedness against said institutions, or the state, in excess of the appropriation made for said institution: *Provided*, That nothing herein contained shall prevent the incurring of an indebtedness on account of support funds for state institutions upon the prior written direction of the executive council specifying the items and amount of such indebtedness to be increased and the necessity therefor.

Unlawful to contract debt beyond appropriation.
 proviso:
 Indebtedness on account of support fund.

SEC. 2. It shall be unlawful for any superintendent, warden, trustee, or other officer of any of the institutions mentioned in section 1 of this act to divert any money that has been or may be appropriated for the use of said institutions to any other purpose than the specific purpose named therefor in the act appropriating the same.

Money not to be diverted from specific purpose of appropriation.

SEC. 3. Any person violating any of the provisions of sections 1 and 2 of this act shall be deemed guilty of a misdemeanor, and upon conviction thereof shall be punished by a fine not exceeding five hundred dollars, or by imprisonment in the county jail for not more than one year, or by both fine and imprisonment.

Penalty for violating §§ 1 and 2.

SEC. 4. This act, being deemed of immediate importance, shall be in force from and after its publication in the Iowa State Register, and Iowa State Leader, newspapers published in Des Moines, Iowa.

Publication.

Approved, March 21, 1878.

I hereby certify that the foregoing act was published in the Iowa State Register, and Iowa State Leader, March 26, 1878.

JOSHIAH T. YOUNG, *Secretary of State*.

CHAPTER 68.

SUPERVISOR DISTRICTS.

AN ACT to Amend Chapter 39 of the Public Acts of the Fifteenth General Assembly, in Relation to Dividing Counties into Supervisor Districts. S. F. 41.

Be it enacted by the General Assembly of the State of Iowa:

SECTION 1. That section one (1) of chapter thirty-nine (39) of the public acts of the fifteenth general assembly, be, and the same is hereby amended by inserting after the figures "1874," in the second line thereof, the words, "or at their regular June meeting in any even numbered year thereafter," also add to section one (1) of said chapter thirty-nine (39) the words, "or at such regular meeting they may abolish supervisor's districts and provide for electing supervisors for the county at large."

§ 1, chapter 39, 15th G. A.
 Board of supervisors may establish or abolish districts.

SEC. 2. This act, being deemed of immediate importance, shall

Publication

take effect and be in force from and after its publication in the Daily State Register, and Daily State Leader, newspapers published at Des Moines, Iowa.

Approved, March 21, 1878.

I hereby certify that the foregoing act was published in the *Iowa State Leader*, March 22, and in the *Iowa State Register*, March 23, 1878.

JOSIAH T. YOUNG, *Secretary of State*.

CHAPTER 69.

IN RELATION TO A PATENT ISSUED TO JESSE GOODRICH.

H. F. 525. AN ACT to authorize the Register of State Land Office to change the spelling in [a] certain Patent issued by the State.

Preamble. WHEREAS, On the 20th day of August, 1853, Jesse Goodrich purchased from John Tolman, the then school fund commissioner, the e. $\frac{1}{2}$ n. e. $\frac{1}{4}$ of section 11, township 87, range 27, and w. $\frac{1}{2}$ of n. w. $\frac{1}{4}$ of section 12, township 87, range 27, but in return of certificate of purchase to register of state land office, an error was made in the spelling of the name as in said certificate it was spelled "Jesse Goodwick," and patent issued to Jesse Goodwick; therefore,

Be it enacted by the General Assembly of the State of Iowa:

Spelling name in patent to be changed. SECTION 1. That the register of state land office be authorized to change the name in said patent so as to read Jesse Goodrich, as in fact it should be.

Approved, March 21, 1878.

CHAPTER 70.

TOWN OF DAYTON.

H. F. 539. AN ACT to change the name of the Town of "Dayton," in the county of Washington, and State of Iowa, to "Daytonville."

Preamble. WHEREAS, The citizens of the town of Dayton, in the county of Washington, and state of Iowa, have applied by petition to have the name of said town changed to "Daytonville;"

WHEREAS, The name of the post-office in said town is "Daytonville," and it is desirable that the name of the town and post-office should be the same;

WHEREAS, There are other towns in the state of Iowa by the name of Dayton; therefore,

Be it enacted by the General Assembly of the State of Iowa:

SECTION 1. That the name of the town Dayton, in the county of Washington, and state of Iowa, be, and the same is hereby changed to Daytonville. Name changed to Daytonville.

Approved, March 21, 1878.

CHAPTER 71.

ELECTION OF ROAD SUPERVISOR AND TOWNSHIP ASSESSOR.

AN ACT to Amend Chapter 8, Title 5, of the Code, Regulating the Election of Supervisors of Highways, and of Township Assessors, in certain cases. H. F. 30.

Be it enacted by the General Assembly of the State of Iowa:

SECTION 1. That no person shall vote for supervisor of highways of any highway district other than that in which he resides at the time of election, nor shall any person living in a city or incorporated town, which constitutes a part of a township, and which has a corporate assessor, vote for a township assessor. Code, title 5, chapter 3 amended. Who may vote for.

SEC. 2. The township trustees of each township or election precinct, shall cause to be prepared a separate ballot-box to receive the votes for supervisors of highways, with as many different compartments as there are highway districts in the township, or election precincts, and numbered accordingly, and each person voting shall at the time he gives in his vote for supervisor of highways, which shall be on a separate ballot, state to the judges of election the number of the highway district in which he resides, and his vote shall be placed in the corresponding compartment of said ballot-box. Manner of election of road supervisors.

SEC. 3. Where any township or election precinct embraces the whole or any part of any city or incorporated town having a corporate assessor, a separate ballot-box for township assessor shall be prepared by the township trustees, and the vote for township assessor shall be in such township on a separate ballot, and every person voting for such officer, shall, at the time, if required, prove to the judges of election that he resides outside of the limits of such city or incorporated town, and his vote for such officer shall be placed in the ballot-box made for that purpose. Election of township assessor. Separate ballot box shall be used for.

Approved, March 21, 1878.

CHAPTER 72.

COLLEGE FOR THE BLIND.

S. F. 273. AN ACT to Amend Sections 1672 and 1676 of the Code Relating to Support of the Blind.

Be it enacted by the General Assembly of the State of Iowa:

SECTION 1. That section 1672 of the Code, be, and the same is hereby amended by striking out the word "forty" in the third line of said section and inserting the words "fifty-four" in lieu thereof.

Code, §§ 1672
and 1676,
amended.
Amount to be
paid by non-
residents.
Reduction of
support fund.

SEC. 2. That section 1676, of the Code, be, and the same is hereby amended by striking out the word "forty" in the third line of said section and inserting the words "thirty-six" in lieu thereof; and by adding to the last line, the words, "except non-residents and those who were non-residents at the time of their reception."

Approved, March 21, 1878.

CHAPTER 73.

REGISTER OF THE STATE LAND OFFICE.

S. F. 284. AN ACT to fix the Salaries of the Register of the State Land Office and his Deputy.

Be it enacted by the General Assembly of the State of Iowa:

SECTION 1. That the salary of the register of the state land office shall be two thousand dollars per annum, and the salary of his deputy shall be one thousand dollars per annum, and said salaries shall be compensation in full for all services required by law, of said register and his deputy; and no additional allowance for clerk hire, contingencies, or for any other purpose connected with the business of said office, except the necessary stationery, shall be made.

Salary, \$2,000.
Deputy's salary, \$1,000.

No clerk hire.

SEC. 2. All acts and parts of acts inconsistent herewith are hereby repealed.

Repealing
clause.

Approved, March 21, 1878.

CHAPTER 74.

CLERK OF THE SUPREME COURT.

AN ACT to repeal Section 3771 of the Code, and to enact a Substitute therefor, in relation to Compensation of the Clerk of the Supreme Court and fixing the amount of Fees in certain cases and providing for their Collection and payment into the State Treasury, and repealing Section 3772 of the Code. S. F. 238.

Be it enacted by the General Assembly of the State of Iowa :

SECTION 1. That section 3771 of the Code be and the same is hereby repealed, and the following enacted in lieu thereof : Code, § 3771: Substitute for.

Section 3771. The salary of the clerk of the supreme court shall be twenty-two hundred dollars per annum; and there is allowed him the sum of twelve hundred dollars per annum, or so much thereof as may be necessary, for clerk hire, to be paid upon affidavit of the clerk that the services for which such clerk hire is allowed are necessary to the proper discharge of the duties of his office. Shall be paid a salary. Clerk hire, \$1,200 annually.

The clerk shall collect the following fees, and account for them as provided in section 3778 of the Code, and shall also keep account of and report in like manner all uncollected fees : Fees to be collected and paid into State treasury.

Upon filing each appeal, three dollars.

Upon entering judgment when the cause has been tried on its merits, two dollars.

Upon each continuance, one dollar.

Upon issuing each execution, one dollar and twenty-five cents.

Upon entering satisfaction of each judgment, fifty cents.

Upon each writ, rule or order to be served upon any person not in court, twenty-five cents.

For copying an opinion to be transmitted to an inferior court upon reversal of a judgment or an order, to be paid by the party against whom the costs are adjudged, or for a copy of such opinion, or any record made at the request of any person, for each one hundred words, ten cents.

SEC. 2. That section 3772 of the Code be, and the same is hereby repealed. Code, § 3772 repealed.

Approved, March 21, 1878.

CHAPTER 75.

STATE LIBRARIAN.

S. F. 274. AN ACT to amend section 3762 of the Code, relating to Salary of the State Librarian.

Be it enacted by the General Assembly of the State of Iowa:

Code, § 3762
amended.
Salary shall
be \$1,000.

SECTION 1. That section 3762 of the code be and the same is hereby amended by striking out the words "twelve hundred" in the first and second lines and inserting the words "one thousand" in lieu thereof.

Approved, March 21, 1878.

CHAPTER 76.

STATE UNIVERSITY.

Sub. H. F. 304. AN ACT for the Endowment and Support of the State University. Additional to Code, Title XII., Chapter 2: "Of the State University."

Be it enacted by the General Assembly of the State of Iowa:

\$20,000 endow-
ment.

SECTION 1. That there be and is hereby appropriated out of any money in the state treasury, not otherwise appropriated, the sum of twenty thousand (20,000) dollars annually to the state university as an endowment fund for said institution, to be paid in instalments of five thousand (5,000) dollars each. The first installment of five thousand (5,000) dollars to be paid on the first day of July, one thousand eight hundred and seventy-eight (1878) and the same sum quarterly thereafter.

\$10,000 for re-
pairs.

SEC. 2. That there be and is hereby appropriated, in addition to the amounts appropriated in the first section of this act, the sum of ten thousand (10,000) dollars for repairs on the buildings, and for fencing and walks, and for no other purpose. One-half of said amount to be paid on the first day of September, one thousand eight hundred and seventy-eight, and one-half on the first day of September, one thousand eight hundred and seventy-nine.

Money to be
drawn on or-
der of Execu-
tive commit-
tee.

SEC. 3. The money hereby appropriated shall be drawn from the state treasury by the treasurer of said state university, on the order of the executive committee appointed by the board of regents of said university, countersigned by the secretary thereof under the university seal.

Approved, March 22, 1878.

CHAPTER 77.

ESTABLISHING A BOARD OF RAILROAD COMMISSIONERS.

AN ACT to repeal Chapter 68, Acts of the Fifteenth General Assembly, and provide for the Establishment of a Board of Railroad Commissioners, and Defining their Duties and Term of Office. Substitute H. F. 288, 14, 245, 247354.

Be it enacted by the General Assembly of the State of Iowa:

SECTION 1. That chapter 68, of the acts of the fifteenth general assembly, excepting sections one, two, and seven thereof, be and the same is hereby repealed, and the following be enacted: Parts of chapter 68, 15th G. A., repealed.

SEC. 2. The governor, with the advice and consent of the executive council shall, before the first day of April next, appoint three competent persons (one of whom shall be a civil engineer), who shall constitute a board of railroad commissioners, and who shall hold their offices from the date of their respective appointments, for the terms of one, two and three years, respectively, from the first day of April next. Board to consist of three persons, one a civil engineer. Term of office.

The governor shall, in like manner, before the first day in April of each year thereafter, appoint a commissioner, to continue in office for the term of three years from said day; and in case any vacancy occurs in the said board by resignation or otherwise, shall, in the same manner, appoint a commissioner for the residue of the term, and may remove such commissioners, and appoint others to fill their vacancy at any time, in the discretion of the governor and executive council. No person owning any bonds, stock or property in any railroad company, or who is in the employment of, or who is in any way or manner pecuniarily interested in any railroad corporation, shall be eligible to the office of railroad commissioner. Said commissioners shall be qualified electors of the state. Owning stock in R. R. etc. shall constitute ineligibility.

The commissioners shall, as nearly as practicable, be selected one from the eastern, one from the central and one from the western portions of the state.

SEC. 3. Said commissioners shall have the general supervision of all railroads in the state operated by steam, and shall inquire into any neglect or violation of the laws of this state by any railroad corporation doing business therein, or by the officers, agents or employees, thereof, and shall also from time to time carefully examine and inspect the condition of each railroad in the state, and of its equipment, and the manner of its conduct and management, with reference to the public safety and convenience, and for the purpose of keeping the several railroad companies advised as to the safety of their bridges, shall make a semi-annual examination of the same, and report their condition to the said companies. Duties of commissioners. Shall make semi-annual examination of bridges.

And if any bridge shall be deemed unsafe by the commis-

If bridge is found unsafe R. R. Co. shall be notified.

sioners, they shall notify the railroad company immediately, and it shall be the duty of said railroad company to repair and put in good order within ten days after receiving said notice, said bridge, and in default thereof, said commissioners are hereby authorized and empowered to stop and prevent said railroad company from running or passing its trains over said bridge, while in its unsafe condition.

Shall notify R. R. Co. of any repairs or changes deemed expedient.

Whenever, in the judgment of the railroad commissioners, it shall appear that any railroad corporation fails, in any respect or particular, to comply with the terms of its charter or the laws of the state, or whenever in their judgment any repairs are necessary upon its road, or any addition to its rolling stock, or any addition to or change of its stations or station houses, or any change in its rates of fare for transporting freight or passengers, or any change in the mode of operating its road and conducting its business is reasonable and expedient in order to promote the security, convenience and accommodation of the public, said railroad commissioners shall inform such railroad corporation of the improvements and changes which they adjudge to be proper, by a notice thereof in writing to be served by leaving a copy thereof certified by the commissioners' clerk, with any station agent, clerk, treasurer or any director of said corporation and a report of the proceedings shall be included in the annual report of the commissioners to the legislature.

Railroads not relieved of liability.

Nothing in this section shall be construed as relieving any railroad company from their present responsibility or liability for damage to person or property.

Report of commissioners.

SEC. 4. The said railroad commissioners shall, on or before the first Monday in December in each year, make a report to the governor of their doings for the preceding year, containing such facts, statements and explanations as will disclose the working of the system of railroad transportation in this state, and its relation to the general business and prosperity of the citizens of the state, and such suggestions and recommendations in respect thereto as may to them seem appropriate. Said report shall also contain as to every railroad corporation doing business in this state:

First.—The amount of its capital stock.

Second.—The amount of its preferred stock, if any, and the condition of its preferment.

Third.—The amount of its funded debt and the rate of interest.

Fourth.—The amount of its floating debt.

Fifth.—The cost and actual present cash value of its road and equipment, including permanent way buildings and rolling stock, all real estate used exclusively in operating the road, and all fixtures and conveniences for transacting its business.

Sixth.—The estimated value of all other property owned by such corporation, with a schedule of the same, not including lands granted in aid of its construction.

Seventh.—The number of acres originally granted in aid of construction of its road by the United States or by this State.

Eighth.—Number of acres of such land remaining unsold.

Ninth.—A list of its officers and directors, with their respective places of residence.

Tenth.—Such statistics of the road and of its transportation business for the year as may, in the judgment of the commissioners, be necessary and proper for the information of the general assembly, or as may be required by the governor. Such report shall exhibit and refer to the condition of such corporation on the first day of July of each year, and the details of its transportation business transacted during the year ending June 30th.

Eleventh.—The average amount of tonnage that can be carried over each road in the state with an engine of given power.

SEC. 5. To enable said commissioners to make such a report, the president or managing officer of each railroad corporation doing business in this state, shall annually make to the said commissioners, on the 15th day of the month of September, such returns, in the form which they may prescribe, as will afford the information required for their said official report; such returns shall be verified by the oath of the officer making them; and any railroad corporation whose return shall not be made as herein prescribed by the 15th day of September, shall be liable to a penalty of one hundred dollars for each and every day after the 16th day of September that such return shall be wilfully delayed or refused.

SEC. 6. The said commissioners shall hold their office in the capitol, or at some other suitable place in the city of Des Moines. They shall each receive a salary of three thousand dollars per annum, to be paid as the salaries of other state officers are paid, and shall be provided at the expense of the state with necessary office furniture and stationery, and they shall have authority to appoint a secretary, who shall receive a salary of fifteen hundred dollars per annum.

SEC. 7. Said commissioners and secretary shall be sworn to the due and faithful performance of the duties of their respective offices before entering upon the discharge of the same, as prescribed in section 676 of the Code, and no person in the employ of any railroad corporation, or holding stock in any railroad corporation, shall be employed as secretary.

Each of said commissioners shall enter into bonds with security to be approved by the executive council, in the sum of ten thousand dollars, conditioned for the faithful performance of his duties.

SEC. 8. To provide a fund for the payment of the salaries and current expenses of the board of commissioners, they shall certify to the executive council on or before the first day of January in each year, the amount necessary to defray the same, which amount shall be divided pro rata among the several railway corporations according to the assessed valuation of their property in the state. The executive council shall thereupon certify to the board of supervisors of each county, the amount due from the several railway corporations located and operated in said county and the board of supervisors shall cause the same to be levied and collected as other taxes upon railway corporations, and the county treasurer shall account to the state for the same as provided by law for other state funds.

Report of railroad companies.

Salary of commissioners,

And their secretary.

Shall be sworn, and give bond.

Salaries to be paid by special fund.

SEC. 9. The said commissioners shall have power, in the discharge of the duties of their office, to examine any of the books, papers or documents of any such corporation, or to examine under oath or otherwise any officer, director, agent or employe of any such corporation, they are empowered to issue subpoenas and administer oaths in the same manner and with the same power to enforce obedience thereto in the performance of their said duties as belong and pertain to courts of law in this state; and any person who may wilfully obstruct said commissioners in the performance of their duties, or who may refuse to give any information within his possession that may be required by said commissioners within the line of their duty shall be deemed guilty of a misdemeanor, and shall be liable, on conviction thereof, to a fine not exceeding one thousand dollars, in the discretion of the court, the costs of such subpoenas and investigation to be first paid by the state on the certificate of said commissioners.

SEC. 10. It shall be the duty of any railroad corporation, when within their power to do so, and upon reasonable notice, to furnish suitable cars to any and all persons who may apply therefor, for the transportation of any and all kinds of freight, and to receive and transport such freight with all reasonable dispatch, and to provide and keep suitable facilities for the receiving and handling the same at any depot on the line of its road; and also to receive and transport in like manner, the empty or loaded cars, furnished by any connecting road, to be delivered at any station or stations on the line of its road, to be loaded or discharged, or re-loaded and returned to the road so connecting; and for compensation, it shall not demand or receive any greater sum than is accepted by it from any other connecting railroad, for a similar service.

SEC. 11. No railroad corporation shall charge, demand, or receive from any person, company, or corporation, for the transportation of persons or property, or for any other service a greater sum than it shall at the same time charge, demand, or receive from any other person, company, or corporation for a like service from the same place, or upon like condition and under similar circumstances, and all concessions of rates, drawbacks and contracts for special rates shall be open to and allowed all persons, companies and corporations alike, at the same rate per ton per mile by car load upon like condition and under similar circumstances, unless by reason of the extra cost of transportation per car load from a different point the same would be unreasonable and inequitable, and shall charge no more for transporting freight from any point on its line than a fair and just proportion of the price it charges for the same kind of freight transported from any other point.

SEC. 12. No railroad company shall charge, demand, or receive from any person, company, or corporation an unreasonable price for the transportation of persons or property, or for the handling or storing of freight, or for the use of its cars, or for any privilege or service afforded by it in the transaction of its business as a railroad corporation.

SEC. 13. Any railroad corporation which shall violate any of the provisions of this act, as to extortion or unjust discrimination, shall forfeit for every such offense to the person, company, or corporation aggrieved thereby, three times the actual damages sustained or overcharges paid by the said party aggrieved, together with the cost of suit, and a reasonable attorney's fee to be fixed by the court, and if an appeal be taken from the judgment or any part thereof, it shall be the duty of the appellate court to include in the judgment an additional reasonable attorney's fee for services in the appellate court or courts, to be recovered in a civil action therefor. And in all cases where complaint shall be made, in accordance with the provisions of section 15, hereinafter provided, that an unreasonable charge is made, the commissioners shall require a modified charge for the service rendered, such as they shall deem to be reasonable, and all cases of a failure to comply with the recommendation of the commissioners shall be embodied in the report of the commissioners to the legislature; and the same shall apply to any unjust discrimination, extortion, or overcharge by said company, or other violation of law.

Penalty for violation of provisions of this act.

SEC. 14. Upon the occurrence of any serious accident upon a railroad which shall result in personal injury, or loss of life, the corporation operating the road upon which the accident occurred shall give immediate notice thereof to the commissioners whose duty it shall be, if they deem it necessary, to investigate the same, and promptly report to the governor the extent of the personal injuries, or loss of life, and whether the same was the result of the mismanagement or neglect of the corporation on whose line the injury or loss of life occurred.

Investigation in case of accident.

Provided, That such report shall not be evidence or referred to in any case in any court.

Providor:

SEC. 15. It shall be the duty of said commissioners upon the complaint and application of the mayor and aldermen of any city or the mayor and council of any incorporated town, or the trustees of any township, to make an examination of the rate of passenger fare or freight tariff charged by any railroad company, and of the condition or operation of any railroad, any part of whose location lies within the limits of such city, town or township, and if twenty-five or more legal voters in any city or township shall, by petition in writing, request the mayor and aldermen of such city or the trustees of such township, to make the said complaint and application, and the mayor and aldermen, or the trustees, refuse or decline to comply with the prayer of the petition, they shall state the reason for such non-compliance in writing upon the petition, and return the same to the petitioners; and the petitioners may thereupon, within ten days from the date of such refusal and return, present such petition to said commissioners, and said commissioners shall, if upon due inquiry and hearing of the petitioners, they think the public good demands the examination, proceed to make it in the same manner as if called upon by the mayor and aldermen of any city, or the trustees of any township. Before proceeding to make such examination, in accordance

Examination of rates by commissioners on complaint of mayor &c.

Or on petition of twenty-five citizens.

with such application or petition, said commissioners shall give to the petitioners and the corporation reasonable notice, in writing, of the time and place of entering upon the same. If, upon such an examination, it shall appear to said commissioners that the complaint alleged by the applicants or petitioners is well founded, they shall so adjudge, and shall inform the corporation operating such railroad of their adjudication within ten days, and shall also report their doings to the governor, as provided in the fourth section of this act.

Phrases "rail-
road"
And "rail-
road corpora-
tion"

SEC. 16. In the construction of this act, the phrase railroad shall be construed to include all railroads and railways operated by steam, and whether operated by the corporation owning them or by other corporations or otherwise. The phrase railroad corporation shall be construed to mean the corporation which constructs, maintains or operates a railroad operated by steam power.

These provis-
ions not to
hinder any
suit against
railroad com-
pany.

SEC. 17. Nothing in this act shall be construed to estop or hinder any persons or corporations from bringing suit against any railroad company for any violation of any of the laws of this state for the government of railroads.

Repealing
clause.

SEC. 18. All acts or parts of acts inconsistent with this act are hereby repealed.

Publication.

SEC. 19. This act, being deemed of immediate importance, shall take effect and be in force from and after its publication in the Iowa State Register, and Iowa State Leader, newspapers published at Des Moines, Iowa.

Approved, March 23, 1878.

I hereby certify that the foregoing act was published in the *Iowa State Register*, March 24, and in the *Iowa State Leader*, March 25, 1878.

JOSIAH T. YOUNG, *Secretary of State*.

CHAPTER 78.

COUNTY RECORDER OF LEE COUNTY.

H. F. 43.

AN ACT Legalizing the Acts of the County Recorder of Lee county, Iowa, in Recording Mortgages on Town Lots and other City Property with the Deeds in Town Lot Records.

Preamble.

WHEREAS, It has been the custom of the recorder of Lee county, Iowa, in recording deeds on town lots and other city property, to intermingle with the said town lot records all mortgages affecting any city property, they being recorded with the deeds; and,

WHEREAS, The legality of said recording of said mortgages aforesaid has been questioned; therefore,

Be it enacted by the General Assembly of the State of Iowa:

SECTION 1. That the acts of said recorders of Lee county Iowa, in recording said mortgages on town lots and other city property

in with the deeds in said town lot record book, be and the same are hereby legalized. Acts legalized.

SEC. 2. This act, being deemed of immediate importance, shall take effect from and after its publication in the Iowa State Leader, and Iowa State Register, newspapers published at Des Moines, Iowa, without expense to the state. Publication.

Approved, March 23, 1878.

I hereby certify that the foregoing act was published in the *Iowa State Leader*, March 29, 1878.

JOSIAH T. YOUNG, *Secretary of State*.

CHAPTER 79.

INDEPENDENT SCHOOL DISTRICT OF SIOUX RAPIDS.

AN ACT to Legalize the Organization of the Independent School District of Sioux Rapids, in the county of Buena Vista, State of Iowa. H. F. 524.

WHEREAS, The independent school district of Sioux Rapids was formed from parts of the two townships of Lee and Barnes, of said county of Buena Vista; and, Preamble.

WHEREAS, At a meeting of the electors of the then contemplated independent school district of Sioux Rapids, held February 27th, 1878, a majority of the ballots cast were in favor of a separate organization; and,

WHEREAS, At an election held for that purpose in the then contemplated independent school district of Sioux Rapids, March 11th, 1878, Jas. M. Hoskins, Henry Jacobson, and S. S. Warner, were elected directors for said independent school district; and,

WHEREAS, Doubts have arisen as the legality of the formation of said independent school district of Sioux Rapids, there being less than three hundred inhabitants in the platted village of Sioux Rapids; and,

WHEREAS, The provisions of the statute in regard to notice and the manner of conducting the election not having been fully complied with, and on account of other irregularities; therefore,

Be it enacted by the General Assembly of the State of Iowa:

SECTION 1. That said independent school district of Sioux Rapids, county of Buena Vista, Iowa, consisting of the following territory, to-wit: the w $\frac{1}{2}$ section 5, all section 6, all section 7, nw $\frac{1}{4}$ section 8, and all section 18 in Lee township, and all section 1, all section 12, all section 13, e $\frac{1}{2}$ section 14, and n $\frac{1}{2}$ section 24, in Barnes township, be, and the same is hereby declared to be fully and legally organized, with boundaries to include all the territory above described, the same as though all the provisions of the statute regarding the organization of independent school districts had been fully complied with, and said district is hereby declared Organization legalized.

to have all the powers, rights, and privileges that would have belonged to said district, if the same had been legally organized on the 11th day of March, 1878, notwithstanding the provisions of section 1800, of the Code of 1873, to the contrary.

PUBLICATION. SEC. 2. This act, being deemed of immediate importance, shall take effect from after the date of its publication in the *Iowa State Register*, and *Storm Lake Pilot*; *Provided*, such publication shall be without expense to the state.

Approved, March 23, 1878.

I hereby certify that the foregoing act was published in the *Storm Lake Pilot*, March 27, and in the *Iowa State Register*, April 4, 1878.

JOSIAH T. YOUNG, *Secretary of State*.

CHAPTER 80.

PROPAGATION OF FISH.

H. F. 571. AN ACT Entitled "An Act to Promote Fish Culture in the State of Iowa, and to Amend and Consolidate the Enactments heretofore passed for that purpose, Amending Chapter 70, Acts of the Sixteenth General Assembly.

Be it enacted by the General Assembly of the State of Iowa:

One fish commissioner appointed by governor. SECTION 1. That the governor of the state is hereby authorized and required to appoint, after the expiration of the term of the present incumbent, and biennially thereafter, one competent person, who shall be known as the state fish commissioner, who shall hold his position for the term of two years; and any vacancy that may occur, for the unexpired term, or by reason of the expiration of the term of said office, shall be filled by the appointment and commission of the governor.

Vacancy.

Duties.

The general duties of said commissioner, including the present incumbent, shall be to have general charge and superintendence of the state hatching house, now located at Anamosa, to forward the restoration of fish to the rivers and waters of the state, and to stock the same with fish from said hatching house, and elsewhere, to the extent that means therefor may be furnished by the state, and to the extent that means for that purpose may be furnished by the United States fish commissioner, and by societies and individuals interested in the propagation of fish in the waters of this state.

Salary, \$1,200. SEC. 2. The fish commissioner, including the present incumbent, shall receive, in full compensation for his services, twelve hundred dollars per year, to be paid out of any money in the state treasury not otherwise appropriated.

SEC. 3. That for the purpose of carrying out the provisions of this act, and continuing the work as contemplated in laws

of 1876, chapter 70 thereof, there is hereby appropriated out of any money belonging to the state, not otherwise appropriated, the sum of six thousand dollars, or so much thereof as may be necessary to carry out the provisions of this act: *Provided*, That said amount be under the control of the executive council of the state.

SEC. 4. That it shall be the duty of said fish commissioners to make a detailed, itemized and sworn statement, on or before two years after the 15th day of November, 1877, and every two years thereafter, showing the amount of money expended, for what purpose or purposes expended, the number and kinds of fish distributed, together with such general information on the subject of fish culture as such commissioner may think proper; and upon the submission of such report, and each subsequent, the same shall be caused to be printed and distributed, to the same extent and in the same manner as now provided by law for the printing and distribution of the reports of public officers of the state.

Report of
commis-
sioner.

SEC. 5. No person shall place, erect, or cause to be placed or erected, across any of the rivers, creeks, ponds or lakes of this state, any trot-line, dam, seine, weir, fish dam, or other obstruction, in such manner as to prevent the free passage of fish up, down or through such water courses, unless the same be done by the instruction or under the direction of the fish commissioner, and that when the same is so done by or through the instruction, or under the direction of the fish commissioner, it shall be unlawful for any person or persons to remove, or in any way interfere with the same. This section shall not be construed to prohibit the erection of dams for manufacturing purposes as provided by law.

Obstructions
to free pass-
age of fish pro-
hibited.

SEC. 6. Any person found guilty of a violation of the provisions of section five of this act, shall, upon conviction before a justice of the peace, be fined not less than twenty-five, nor more than one hundred dollars, or imprisoned in the county jail not less than ten days, nor more than thirty days, in the discretion of the court.

Penalty for
violating the
provisions of
this act.

SEC. 7. All acts or parts of acts in conflict herewith are hereby repealed.

Repealing
clause.

SEC. 8. This act, being deemed of immediate importance, shall take effect and be in force from and after its publication in the Iowa State Leader, and Iowa State Register, newspapers published at Des Moines, Iowa.

Publication.

Approved, March 23, 1878.

I hereby certify that the foregoing act was published in the *Iowa State Register*, March 29, and in the *Iowa State Leader*, March 30, 1878.

JOSIAH T. YOUNG, *Secretary of State*.

CHAPTER 81.

ADDITIONAL PENITENTIARY.

H. F. 559. AN ACT to amend Chapter 137 of the Acts of the Sixteenth General Assembly, relating to Support of Convicts in the Additional Penitentiary.

Be it enacted by the General Assembly of the State of Iowa:

§ 5, chapter 137, 16th G. A. Reducing support of convicts. SECTION 1. That section 5, of chapter 137, of the acts of the sixteenth general assembly be, and the same is hereby amended, by striking out the word "ten" before dollars, in the second line of said section, and inserting in lieu thereof the word "eight"

Publication. SEC. 2. This act, being deemed of immediate importance, shall take effect and be in force from and after its publication in the Iowa State Register and Iowa State Leader, newspapers published at Des Moines, Iowa.

Approved, March 23, 1878.

I hereby certify that the foregoing act was published in the *Iowa State Leader*, March 26, and in the *Iowa State Register*, March 27. 1878.

JOSIAH T. YOUNG, *Secretary of State*.

CHAPTER 82.

MEDICAL COLLEGE AT KEOKUK.

H. F. 389. AN ACT confirming the Diplomas of [the] Medical College at City of Keokuk, Iowa.

Preamble. WHEREAS, The college of physicians and surgeons of the Upper Mississippi, located at Keokuk, Lee county, Iowa, then conducting a medical college at said city of Keokuk, was recognized and established as the medical department of the Iowa State University, and was authorized and empowered to grant diplomas for the degree of Doctor of Medicine to such persons as they might deem qualified for such degree, by act of the general assembly of the state of Iowa, approved January 28, 1851, and incorporated into chapter 65, title 14, of the Code of 1851; and, WHEREAS, By the adoption of the new constitution of the state of Iowa, the state university was required to be located at one place without branches at any other place, but said medical college has been ever since, and still is maintained and conducted at said city of Keokuk; and,

WHEREAS, The articles of incorporation of said "College of Physicians and Surgeons of the Upper Mississippi" were amend-

ed in the year 1857, changing the name of said corporation to that of "The Medical Department of the Iowa State University," and said articles of incorporation have been renewed and amended in accordance with the laws of the state of Iowa, in such cases made and provided for corporations other than those for pecuniary profit, changing the name of said corporation to that of "The College of Physicians and Surgeons at Keokuk;" but,

WHEREAS, In consequence of said change of the name of said corporation, and other matters set forth in this recital, and in consequence of certain informalities and omissions, which may have heretofore existed in the incorporation of said corporation, doubts may arise as to the legality of the degree conferred and the diplomas granted by said medical college; therefore,

Be it enacted by the General Assembly of the State of Iowa:

SECTION 1. That all degrees heretofore conferred and all diplomas heretofore granted by the same, whether under the name of "The College of Physicians and Surgeons of the Upper Mississippi," or that of "The Medical Department of the Iowa State University," or that of "The College of Physicians and Surgeons at Keokuk," be and the same are hereby legalized and confirmed, and such degrees and diplomas shall be held to grant to and confer upon the persons to whom they were given all the honors, rights and privileges usually conferred by the degrees and diplomas of institutions of similar character the same as though legally organized and incorporated.

SEC. 2. This act, being deemed of immediate importance, shall be in force from and after its publication in the Iowa State Register, of Des Moines, Iowa, and the Gate City, at Keokuk, Iowa, without expense to the state.

Approved, March 23, 1878.

I hereby certify that the foregoing act was published in the *Gate City* March 28, 1878.

JOSIAH T. YOUNG, *Secretary of State.*

CHAPTER 83.

PENITENTIARY OF THE STATE.

AN ACT to amend Section 4785, Chapter 2, Title XXVI., of the Code, H. F. 360. in relation to the Support of Convicts.

Be it enacted by the General Assembly of the State of Iowa:

SECTION 1. That section 4785 of the Code is hereby amended by striking out of the second line of said section, the words "eight and one-third," and inserting the word "seven."

SEC. 2. This act, being deemed of immediate importance,

Code, § 4785 amended. Support of convicts reduced.

Publication. shall take effect from and after its publication in the Daily State Register and Daily State Leader, newspapers published in Des Moines, Iowa.

Approved, March 23, 1878.

I hereby certify that the foregoing act was published in the *Iowa State Leader*, March 26, and in the *Iowa State Register*, March 27, 1878.

JOSIAH T. YOUNG, *Secretary of State*.

CHAPTER 84.

CARE OF THE INSANE.

H. F. 533. AN ACT to amend Chapter 2, Title 11, Section 1427 of the Code, relating to the Support Required by counties for the Support of the Insane.

Be it enacted by the General Assembly of the State of Iowa:

SECTION 1. That section 1427, chapter 2, title 11 of the Code, be, and the same is hereby amended as follows: By striking out of the second line the word "week," and inserting the word "month;" and also, by striking out of the third and fourth lines the following words: "three dollars and twenty cents per week and the weekly sum so fixed," and inserting "sixteen dollars per month and the monthly sum so fixed."

Code, § 1427,
amended,
Compensa-
tion for keep-
ing insane.

SEC. 2. This act, being deemed of immediate importance, shall take effect and be in force from and after its publication in the Daily State Register and Daily State Leader, newspapers published at Des Moines, Iowa.

Publication.

Approved, March 23, 1878.

I hereby certify that the foregoing act was published in the *Iowa State Leader*, March 26, and in the *Iowa State Register*, March 27, 1878.

JOSIAH T. YOUNG, *Secretary of State*.

CHAPTER 85.

APPROPRIATION TO PAY EXPENSES INCURRED BY THREATENED RIOTS.

S. F. 234. AN ACT Appropriating Money to Defray the Expenses Incurred by Reason of Threatened Riots during the Summer of 1877.

Be it enacted by the General Assembly of the State of Iowa:

SECTION 1. That there is hereby appropriated, out of any money in the state treasury not otherwise appropriated, the sum of fourteen hundred and eighty-six and twenty-one hundredths

\$1486.21 appro-
priated.

dollars, to defray the expenses incurred by reason of threatened riots during the summer of 1877, as follows, to-wit:

SEC. 2. To Company L., first light artillery regiment of Iowa national guards, the sum of seventy-two and eighty hundredth dollars. To company L. \$72.80.

SEC. 3. To Company F., Lincoln guards, third regiment of Iowa national guards, the sum of two hundred and thirty-five and twenty hundredth dollars. To company F. \$235.20.

SEC. 4. To Battery F., first regiment of artillery, Iowa national guards, the sum of seven hundred and thirty and eighty hundredth dollars. To battery F. \$730.80.

SEC. 5. To Battery B., first regiment of artillery, Iowa state national guards, the sum of one hundred and eighty-seven and seventy-six hundredth dollars. To battery B. \$187.76.

SEC. 6. To Company B., first regiment volunteer infantry, Iowa national guards, the sum of one hundred and fifty-nine and thirty hundredth dollars. To company B. \$159.30.

SEC. 7. The said sums, embraced in sections 2, 3, 4, 5 and 6, of this act, are to be disbursed by the commanding officer of said company or battery to the officers and men thereof respectively, according to the pay-rolls of said company or battery, now on file in the office of the auditor of state.

SEC. 8. To N. G. Nelson, the sum of sixty-two dollars for rations furnished Battery F., first regiment artillery, I. N. G., as per voucher on file in the office of the auditor of state. N. G. Nelson, \$62.00.

SEC. 9. To N. Worley & Sons, the sum of twelve and fifty-five hundredth dollars, for ammunition and supplies furnished battery F, first regiment of artillery, I. N. G., as per voucher in auditor's office. N. Worley, \$12.55.

SEC. 10. To Abbott & Knisely, the sum of fifteen dollars, for ammunition furnished battery F, first regiment of artillery, I. N. G., as per voucher in auditor's office. Abbott & Knisely, \$15.

SEC. 11. To G. W. McKinney, the sum of eleven dollars, for repairing state arms in possession of battery F, first regiment of artillery, I. N. G., as per voucher in auditor's office. G. W. McKinney, \$11.00.

SEC. 12. This act, being deemed of immediate importance, shall take effect and be in force from and after its publication in the Iowa State Leader and Iowa State Register, newspapers published in Des Moines, Iowa, section 33 of the Code to the contrary notwithstanding. Publication.

Approved, March 23, 1878.

I hereby certify that the foregoing act was published in the Iowa State Register and Iowa State Leader, March 29, 1878.

JOSIAH T. YOUNG, Secretary of State.

CHAPTER 86.

CENTRAL BLOCK ASSOCIATION OF WEBSTER CITY.

S. F. 223. AN ACT to Legalize the Organization and Acts of "The Central Block Association of Webster City," Iowa.

Preamble. WHEREAS, John D. Hunter and other citizens organized the Central Block Association of Webster City, under the general incorporation laws of this state, and subscribed stock and built and erected a brick block known as the post office block in Webster City, Iowa; and,

WHEREAS, The officers and incorporators of such company failed to publish notice of such incorporation in the time and manner required by law, and questions have arisen as to the legal organization thereof;

Be it enacted by the General Assembly of the State of Iowa:

Organization legalized. SECTION 1. That the organization and incorporation of "The Central Block Association of Webster City," are hereby legalized and all acts and things done under and by virtue thereof, shall be as legal and valid as if said incorporation act had been fully complied with.

Publication. SEC. 2. This act, being deemed of immediate importance, shall take effect and be in force from and after its publication in the "Iowa State Register," published at Des Moines, and the "Hamilton Freeman," published at Webster City, without expense to the state.

Approved, March 23, 1878.

I hereby certify that the foregoing act was published in the *Hamilton Freeman*, April 3, 1878.

JOSIAH T. YOUNG, *Secretary of State.*

CHAPTER 87.

CANCELLATION OF TAXES VOTED IN AID OF RAILROADS.

S. F. 238. AN ACT requiring the Boards of Supervisors to cancel the unpaid taxes voted in aid of Railroads, between the first day of January, 1868, and the first day of January, 1875.

Be it enacted by the General Assembly of the State of Iowa:

Tax voted to aid railroads not yet completed. SECTION 1. That wherever any taxes have been voted or levied upon the real or personal property in any township, city, or town in any county in this state to aid in the construction of any railroad since the first day of January, 1868, and prior to the first day of January, 1875, under and by the authority of any law en-

acted by the general assembly of the state of Iowa, and where the railroad in aid of which said taxes were voted or levied has not been built or completed or operated into or through such township, city, or town, and any of said taxes so levied have not been paid, it shall be the duty of the board of supervisors of the county where such taxes have been voted and levied and still remain on the tax books of said county or counties at their first regular meeting, after the taking effect of this act, to cause the same to be cancelled and stricken from the tax books of such county; and all liens created by said tax shall be removed, cancelled and satisfied by such cancellation.

Duty of board supervisors.

Shall cancel tax.

Provided, That the foregoing provisions shall in no manner affect actions which may be now pending for the recovery of taxes heretofore voted and levied in aid of railroads.

Proviso:
No action shall be affected.

SEC. 2. This act, being deemed of immediate importance, shall take effect and be in force from and after its publication in the Iowa State Leader, and Iowa State Register, newspapers published at Des Moines, Iowa.

Publication.

Approved, March 23, 1878.

I hereby certify that the foregoing act was published in the *Iowa State Register*, and *Iowa State Leader*, March 29, 1878.

JOSIAH T. YOUNG, *Secretary of State*.

CHAPTER 88.

TOWN OF CHEROKEE.

AN ACT to Legalize the Incorporation of the Town of Cherokee, in S. F. 305. Cherokee county, Iowa.

WHEREAS, Proceedings were had in the year 1873 for the incorporation of the town of Cherokee, in Cherokee county, Iowa, and officers were elected therefor, and said town has since exercised and is still exercising the powers of an incorporated town; and,

Preamble.

WHEREAS, Doubts have been expressed as to the legality of the incorporation of said town; therefore,

Be it enacted by the General Assembly of the State of Iowa:

SECTION 1. That all the acts and proceedings had in the incorporation of said town of Cherokee, and all elections and acts of officers, and all proceedings of the authorities of said town of Cherokee are hereby legalized and declared to be of as full force and virtue as if all the requirements of the law in relation to incorporation and elections had been fully complied with, and the incorporation of said town, and all ordinances, levies, taxes, orders thereof, are and shall be of the same validity as if all the proceedings in the incorporation and all elections had been in due form of law and in full compliance therewith.

Incorporation legalized.

PUBLICATION. SEC. 2. This act, being deemed of immediate importance, shall take effect and be in force from and after its publication in the Iowa State Register, a newspaper published at Des Moines, Iowa, and the Cherokee Times, a newspaper published at Cherokee, Iowa, without expense to the state.

Approved, March 23, 1878.

I hereby certify that the foregoing act was published in the *Iowa State Register*, April 30, 1878.

JOSIAH T. YOUNG, *Secretary of State.*

CHAPTER 89.

SPECIAL TERMS OF COURT.

SUBSTITUTE H. P. 25. AN ACT to Repeal Section *number* 166, Chapter 5, Title 3, of the Code, in relation to Special Terms of Court, and enact a substitute therefor.

Be it enacted by the General Assembly of the State of Iowa:

CODE, § 166: SUBSTITUTE. FOR. SECTION 1. That section *number* one hundred and sixty-six of the Code be, and the same is hereby repealed, and the following enacted in lieu thereof:

SPECIAL TERM MAY BE ORDERED AT REGULAR TERM. SECTION 166. A special term may be ordered in any county at any regular term of court in that county, or at any other time, by the judge, for the trial of all causes pending at the last regular term of said court held prior to said special term, in which either party shall have served upon the opposite party or his attorney in the manner provided for service of original notice, at least twenty days prior to said special term, a notice in writing that such cause will be brought on for trial. When ordering a special term, the court or judge shall direct whether a grand or trial jury or both shall be summoned.

PUBLICATION. SEC. 2. This act being deemed of immediate importance, shall take effect and be in force from and after its publication in the Des Moines Daily Register and Iowa Daily State Leader, newspapers published in Des Moines.

Approved, March 23, 1878.

I hereby certify that the foregoing act was published in the *Iowa State Register* and *Iowa State Leader*, March 29, 1878.

JOSIAH T. YOUNG, *Secretary of State.*

CHAPTER 90.

APPROPRIATION FOR HOSPITAL FOR INSANE AT INDEPENDENCE.

AN ACT Making an Appropriation for the Iowa Hospital for the Insane at Independence. H. F. 300.

Be it enacted by the General Assembly of the State of Iowa:

SECTION 1. That there is hereby appropriated for the Iowa Hospital for the Insane at Independence, out of any money in the treasury not otherwise appropriated, the following sums, for the purposes hereinafter mentioned: For furnishing four new wards now in process of construction, the sum of five thousand five hundred dollars—\$5,500.00. Furnishing new wards, \$5,500.

For constructing two new sections of the south wing of said building, according to plans and specifications already prepared and submitted, the sum of forty-one thousand five hundred dollars—\$41,500.00, to be drawn during the year 1879. New sections of south wing, \$41,500.

For repairing road on south side of farm, between the hospital and the B., C. R. and M. Railroad, the sum of five hundred dollars—\$500.00. Repairing road, \$500.

For contingent expenses, the sum of one thousand dollars—\$1,000.00. Contingent, \$1,000.

For the purpose of constructing a sewer, the sum of fifteen hundred dollars—\$1,500.00. Sewer, \$1,500.

SEC. 2. The money hereby appropriated shall be expended in accordance with the provisions of chapter 120 of the laws of the thirteenth general assembly, and the act of which that is amendatory, except the sum of one thousand (\$1,000.00) [dollars] hereby appropriated for contingent expenses, which shall be drawn on the order of the board of trustees of said hospital and expended by direction of said board. How expended.

SEC. 3. This act, being deemed of immediate importance, shall take effect from and after its publication in the Daily State Register and Daily State Leader, newspapers published in Des Moines, Iowa. Publication.

Approved, March 23, 1878.

I hereby certify that the foregoing act was published in the *Iowa State Register*, and *Iowa State Leader*, March 29, 1878.

JOSIAH T. YOUNG, *Secretary of State.*

CHAPTER 91.

FIXING FEES OF ATTORNEYS FOR DEFENDING PERSONS CHARGED WITH CRIME.

Substitute S. AN ACT to amend Section 3829, Chapter 3, Title 23, of the Code, in
F. 104. relation to Attorney's Fees for defending persons charged with
crime.

Be it enacted by the General Assembly of the State of Iowa:

SECTION 1. That section 3829, title 23, of the Code, be and the same is hereby amended by striking out of said section the words: "such fee as the court may fix," where the same occur after the word "murder," and after the word "felony," and by inserting after the word "murder" the words "twenty-five dollars," and by inserting after the word "felony" the words "ten (10) dollars."

Code, § 3829
amended.

Case of murder.
Felony.

Publication.

SEC. 2. This act, being deemed of immediate importance, shall take effect and be in force from and after its publication in the Iowa State Register, a newspaper published at Des Moines, Iowa, and the Dubuque Weekly Times, a newspaper published at Dubuque, Iowa.

Approved, March 23, 1878.

I hereby certify that the foregoing act was published in the *Iowa State Register*, March, 29, and in the *Dubuque Weekly Times*, April 3, 1878.

JOSIAH T. YOUNG, *Secretary of State.*

CHAPTER 92.

COMPENSATION OF CERTAIN OFFICERS OF STATE INSTITUTIONS.

S. F. 262. AN ACT to Regulate the Per Diem and Mileage of Trustees of State Institutions, members of Visiting Committees to Hospitals for Insane, and Regents of the State University.

Be it enacted by the General Assembly of the State of Iowa:

SECTION 1. That the trustees of state institutions, members of visiting committee to hospitals for insane, and regents of the state university shall receive, as their compensation, four dollars per day for each and every day actually employed in the discharge of their duties, and five cents per mile for each mile necessarily traveled in such business, and no more.

Per diem of
\$1.00.

And five cents
mileage.

SEC. 2. This act shall not be construed to allow trustees to

receive compensation for a longer time than is now permitted by law. Construction of this act.

SEC. 3. All acts and parts of acts inconsistent with this act are hereby repealed. Repealing clause.

SEC. 4. This act, being deemed of immediate importance, shall take effect from and after its publication in the Iowa State Register and Iowa State Leader, newspapers published at Des Moines, Iowa. Publication.

Approved, March 23, 1878.

I hereby certify that the foregoing act was published in the *Iowa State Leader*, March 28, and in the *Iowa State Register*, March 29, 1878.

JOSIAH T. YOUNG, *Secretary of State*.

CHAPTER 93.

GEORGE BISHOP, NOTARY PUBLIC.

AN ACT to Legalize the Official Acts of Geo. Bishop, a Notary Public in H. F. 84. and for Black Hawk County.

WHEREAS, The commission of Geo. Bishop, a notary public in and for Black Hawk county, expired on the 4th day of July, 1876, and the renewal of said commission is dated January 27th, 1877, during which time he performed certain official acts as notary public; therefore, Preamble.

Be it enacted by the General Assembly of the State of Iowa:

SECTION 1. That all of the official acts of said Geo. Bishop, by him performed as a notary public after July 4th, 1876, and before the date of his qualification as such notary public, under his commission dated January 27, 1877, be and the same are hereby legalized, and made valid to the same extent as though he had been legally qualified. Official acts legalized.

Approved, March 23, 1878.

CHAPTER 94.

GEORGE A. JACKSON, NOTARY PUBLIC.

AN ACT to legalize the official acts of George A. Jackson, a Notary Public in and for Boone county H. F. 363.

WHEREAS, The commission of George A. Jackson, a notary public, in and for Boone county, expired on the 4th day of July, Preamble.

1878, and the renewal of said commission is dated upon the 24th day of January, 1877; therefore,

Be it enacted by the General Assembly of the State of Iowa:

Official acts
legalized.

SECTION 1. That all the official acts of said George A. Jackson, by him performed as a notary public in and for said county, after the expiration of his commission and the renewal of the same as aforesaid, are hereby legalized.

Approved, March 23, 1878.

CHAPTER 95.

APPROPRIATION FOR AGRICULTURAL COLLEGE.

Substitute S. AN ACT making Appropriations to the Iowa Agricultural College.
F. 142 and H.
F. 378.

Be it enacted by the General Assembly of the State of Iowa:

\$3,972.25 ap-
propriated.

SECTION 1. That there is hereby appropriated out of any money not otherwise appropriated, the sum of three thousand nine hundred and seventy-two dollars and twenty-five cents (\$3,972.25) to be expended for the purposes herein set forth:

For constructing a sewer for the use of college building—\$1,472.25.

For horticultural laboratory—\$2,500.00.

When drawn.

Which sums shall not be drawn until the year 1879.

Approved, March 23, 1878.

CHAPTER 96.

RELIEF TO FORMER SUBDISTRICT NO. 2, OF DISTRICT TOWNSHIP OF HONEY CREEK, DELAWARE COUNTY.

H. F. 415.

AN ACT to grant Relief to the Tax-payers of the former Sub-district, No. 2, of the District Township of Honey Creek, in Delaware county, Iowa, Remitting School-house taxes levied but uncollected, and not needed for the purpose for which they were voted.

Preamble.

WHEREAS, At their annual meeting in March, 1875, the electors of the district township of Honey Creek, in Delaware county, Iowa, voted a tax of \$1,230 for school-house purposes; and

WHEREAS, said tax was regularly apportioned among the several sub-districts of the township by the board of directors, as required by law, by which division the sum \$555 was apportioned to sub-district number 2; and

WHEREAS, Said apportionment was duly certified to the board

of supervisors, and at their regular meeting in September, 1875, a levy was made upon the taxable property of said sub-district number 2 sufficient to raise the sum so apportioned and certified; and

WHEREAS, The board of directors afterward re-districted the township in such manner as to render the taxes levied as afore-said unnecessary for the purpose for which they were voted and levied, for which reason it became improper and unjust that these taxes should be collected; and

WHEREAS, Said taxes still remain unpaid, and hence are an unjust and unnecessary charge against the property holders of said former sub-district number 2; therefore,

Be it enacted by the General Assembly of the State of Iowa:

SECTION 1. That the board of supervisors of Delaware county are hereby authorized and required to order and direct the treasurer of said county to enter on his tax list a cancellation of all the school-house tax levied by said board in September, A. D. 1875, on the taxable property in sub-district number 2, in district township of Honey Creek, in said county, as said sub-district existed in March, A. D., 1875, pursuant to an apportionment made by the directors of said township district, and to credit himself therewith accordingly in his tax account, said tax being, and the same is hereby annulled and remitted.

Board of supervisors to order cancellation of certain tax.

Approved, March 23, 1878.

CHAPTER 97.

REFORM SCHOOL.

AN ACT to Amend Chapter 21, Laws of the Fifteenth General Assembly, Relative to Support of Reform Schools. S. F. 275.

Be it enacted by the General Assembly of the State of Iowa:

SECTION 1. That section 1, chapter 21, laws of the fifteenth general assembly, be, and the same is hereby amended by striking out the word "ten" in the fourth line of said section and inserting the word "eight" in lieu thereof.

§ 1, chapter 21, 15th G. A. amended. Reduction of support.

SEC. 2. That section 2 of said act be, and the same is hereby repealed.

§ 2, chapter 21, 15th G. A. repealed.

Approved, March 23, 1878.

CHAPTER 98.

INSTITUTION FOR EDUCATION OF DEAF AND DUMB.

S. F. 252.] AN ACT to Amend Sections 1692 and 1693, Chapter 7, Title XII., of the Code, in Relation to Support of the Deaf and Dumb Institution.

Be it enacted by the General Assembly of the State of Iowa:

SECTION 1. That section 1692 of the Code, be, and the same is hereby amended by striking out the word "forty," in the second line of said section, and inserting the word "thirty" in lieu thereof.

Code, § 1692,
amended.
Reduction of
pupilage.

SEC. 2. That section 1693 of the Code, be, and the same is hereby amended by striking out the word "twelve," in the fourth line of said section, and inserting the word "eight" in lieu thereof.

Code, § 1693,
amended.
Reduction of
support fund.

SEC. 3. All acts and parts of acts inconsistent with this act are hereby repealed.

Repealing
clause.

Approved, March 23, 1878.

CHAPTER 99.

COLLECTION OF TAXES IN CITIES ACTING UNDER SPECIAL CHARTERS.

S. F. 185. AN ACT to Promote the Collection of Revenue in Incorporated Cities Acting under Special Charters, and to Legalize the Taxes heretofore Levied Therein, and Sales made Thereunder, Additional to Code, Title VI, "Of Revenue."

Be it enacted by the General Assembly of the State of Iowa:

SECTION 1. That the council of each municipal corporation, acting under a special charter may, if they deem it expedient, provide by ordinance for certifying to the auditor of the county in which such city is situated on or before the first Monday of September of each year, or such other time as may be fixed by law for the levy of state and county taxes, the per centage or number of mills on the dollar of tax levied for all city purposes by them on the taxable property within the corporation for the year then ensuing, as shown by the assessment roll of said city for said year, and the county auditor when such certification is made, is required to place the same on the tax books of the county in the same manner as state and county taxes are placed thereon, which tax for municipal purposes shall be collected and paid over to the proper officer by the county treasurer, with the same restriction, powers and liabilities, and under the same regulations as to

City council
may certify
to county au-
ditor.
By first mon-
day of Sept.
The per cent.
of levy for
city purposes.

Duty of coun-
ty auditor in
such case.

power, mode and manner of proceeding in every respect as in relation to state and county taxes, and in all things relating to the sale of real and personal property, he is authorized and required to proceed according to the provisions of the statutes regulating the sale of property for delinquent state and county taxes, and in all sales for such or any delinquent taxes for municipal purposes, if there be other delinquent taxes due from the same person, or a lien on the same property, the sale shall be for all the delinquent taxes, and such sales and all sales made under or by virtue of this act, shall be of the same validity, and in all respects be deemed and treated as though such sales had been made for delinquent state or county taxes exclusively.

SEC. 2. That all acts of the officers of cities incorporated under special charters, in heretofore certifying the taxes levied or rates of taxes to the county auditor and all collections and tax sales made thereunder, be and the same are hereby declared in all respects as valid, binding, effective and conclusive as if the power to so certify and sell had been expressly conferred by law, but nothing herein contained shall have the effect to make valid any sale for taxes which would be invalid under any other provision of law. Certain acts of city officers legalized. Provided.

Approved, March 23, 1878.

CHAPTER 100.

RELATING TO CARE OF THE INSANE.

AN ACT to amend Sections 1384 and 1390, Chapter 2, Title XI., of the S. F. 247. Code, in relation to the Care of the Insane.

Be it enacted by the General Assembly of the State of Iowa:

SECTION 1. That section 1384 of the Code be amended as follows: By striking out the word "December," in the seventh line of said section, and inserting "October;" and also, by striking out the words "March, June and September," in the last line of said section, and inserting "January, April and July." Code, § 1384. amended. Meeting of trustees.

SEC. 2. That section 1390 of the Code be amended by striking out the words "from time to time," in the thirteenth line of said section, and inserting in their place the word "quarterly;" and also, by striking out the word "twenty," before "dollars," in the sixteenth line of said section, and inserting the word "sixteen." Treasurer: Draw money from state treasury. Reduction of support.

Approved, March 23, 1878.

CHAPTER 101.

SALE OF LANDS FOR TAXES.

S. F. 49. AN ACT to Amend Chapter 145 of the Acts of the Sixteenth General Assembly in Relation to Taxing, and the Sale of Public Lands for Taxes.

Be it enacted by the General Assembly of the State of Iowa :

Chapter 145, SECTION 1. That the following be enacted as a substitute for
18th G. A. chapter 145, of the acts of the sixteenth general assembly:
Substitute for.

Interest ac-
quired by
purchaser at
tax sale of
school lands,
etc., etc.,

Section 1. Whenever any school or university land bought on credit, is sold for taxes, the purchaser at such tax sale, shall only acquire the interest of the original purchase in such lands, and no sale of any such lands for taxes, shall prejudice the rights of the State or the university therein, or preclude the recovery of the purchase money, or the interest due thereon, and in all cases, where real estate is mortgaged or otherwise encumbered to the school or university fund, the interest of the person who holds the fee alone, shall be sold for taxes, and in no case shall the lien or interest of the state be affected by any sale of such encumbered real estate, made for taxes.

Same as to
other public
lands.

SEC. 2. The foregoing provisions shall be extended to, and shall include all lands exempted from taxation by the provisions of this title, including lands of the United States and of this state, or of any county, township, city, incorporated town or school district, including agricultural college lands, swamp lands, burial grounds, fair grounds, public squares, public groves, or public ornamental grounds, and to any legal or equitable estate therein held, possessed or claimed for any public purpose, and no assessment or taxation of such lands, nor the payment of any such taxes, by any person, or the sale and conveyance for taxes of any such lands, shall in any manner affect the right or title of the public therein, or prejudice the public thereto, nor shall any such payment or sale, confer upon the purchaser, or person who pays such taxes, any right or interest in such land, adverse or prejudicial to the public right, title or ownership thereto;

Right of pub-
lic not preju-
diced by tax
sale, etc.

Provided, That this section shall not in any manner affect or prejudice the rights of any person or party to any action now pending, which was commenced prior to the 4th day of July, 1876.

Proviso:
Not to affect
action pend-
ing.

Approved, March 23, 1878.

CHAPTER 102.

SUPERINTENDENT OF PUBLIC INSTRUCTION.

AN ACT to repeal Section 1580, Chapter 2, Title XI., of the Code, relating to the Fees of Superintendent of Public Instruction. re- S. F. 251.

Be it enacted by the General Assembly of the State of Iowa:

SECTION 1. That section 1580, chapter 2, title 11, of the Code be and the same is hereby repealed. Code, § 1580, repealed. Publishing school laws and traveling expenses.

Approved, March 23, 1878.

CHAPTER 103.

BAIL IN CASE OF MURDER.

AN ACT to prohibit Defendants convicted of Murder being admitted to bail, amending Section 4107, Chapter 1, Title XXV., of the Code. Sub. S. F. 30.

Be it enacted by the General Assembly of the State of Iowa:

SECTION 1. That no defendant convicted of murder shall be admitted to bail. Shall not be bailed.

Approved, March 23, 1878.

CHAPTER 104.

MUTUAL INSURANCE COMPANIES.

AN ACT to Repeal Section 1160, Chapter 4, Title IX. of the Code of 1873, and to Enact a Substitute therefor, to Require Mutual Insurance Companies to Make Annual Reports. S. F. 122.

Be it enacted by the General Assembly of the State of Iowa:

SECTION 1. That section 1160 of the Code of 1873, be, and the same is hereby repealed, and the following enacted in lieu thereof. Code, § 1160: Substitute for.

Section 1160. Nothing in this chapter shall be so construed as to prevent any number of persons from making mutual pledges and giving valid obligations to each other for their own insurance from loss by fire or death, but such association of persons shall in no case insure any property not owned by one of their own number, and no life except that of their own numbers, nor shall the provisions of this chapter be applicable to such associations Mutual associations; number and powers limited.

Report of fire company or-
ganized un-
der this chap-
ter.

or companies. Each fire insurance company organized under the provisions of this chapter, shall report in January of each year, to the auditor of state, which report shall show the following facts :

1. Name of company.
2. Place of doing business.
3. Names of president and secretary.
4. Address of secretary.
5. Date of commencing business.
6. Amount of risks in force at the beginning of the year.
7. Amount of risks written during the year.
8. Amount of risks cancelled during the year.
9. Amount of risks in force at the end of the year.
10. Amount of losses paid during the year.
11. Amount of other expenses.
12. Total expenses during the year.

These reports to be tabulated by the auditor of state, and published by him in his annual report on insurance, and one copy shall by him be sent to each company reporting as above. But no foreign life insurance company, aid society, or association for the insurance of the lives of its members and doing business on the assessment plan, shall be allowed to do business in this state unless it has a guaranteed capital of not less than one hundred thousand dollars in the state in which it is organized, and such companies shall pay the same fees for annual reports as are now paid by stock companies.

Fees.

And such companies organized under this section shall pay the same fees for annual reports as are now paid by stock companies, but such association or companies, shall receive no premiums nor make any dividends; but the word premiums herein, shall not be construed to mean policy and survey fees, nor the necessary expenses of such companies.

Approved, March 23, 1878.

CHAPTER 105.

GIRLS' DEPARTMENT OF STATE REFORM SCHOOL.

S. F. 227. AN ACT for the Leasing of grounds and Buildings for the Girls' Department of the State Reform School, and to make appropriations therefor.

Be it enacted by the General Assembly of the State of Iowa:

SECTION 1. That the trustees of the girls' department of the state reform school, at Salem, be authorized by and with the advice and consent of the executive council, and they are hereby empowered and instructed to lease suitable grounds and buildings,

Trustees shall
lease suitable
grounds and
buildings,

for the use of said reform school, to commence on or before April 1, A. D., 1878, and for a term of not to exceed five years, with privilege of terminating said lease by giving one year notice after two years, and as soon as practicable after said lease is perfected, to remove said reform school to said locality.

SEC. 2. There is hereby appropriated, out of any funds in the state treasury not otherwise appropriated, the sum of two thousand dollars, to be expended by the board of trustees of said school in preparing and paying rent of buildings for the accommodation of said school. \$2,000 appropriated to rent.

SEC. 3. This act, being deemed of immediate importance, shall be in force from and after its publication in the Iowa State Leader and Iowa State Register, newspapers published at Des Moines, Iowa, the provisions of section 33 of the Code, to the contrary notwithstanding. Publication.

Approved, March 25, 1878.

I hereby certify that the foregoing act was published in the Iowa State Register, and Iowa State Leader, March 30, 1878.

JOSIAH T. YOUNG, *Secretary of State.*

CHAPTER 106.

CEMETERIES.

AN ACT for the Protection of Cemeteries in the State of Iowa.

S. F. 185.

Be it enacted by the General Assembly of the State of Iowa :

SECTION 1. That the trustees, board of directors or other officers having the custody and control of any cemetery in this state shall have power, subject to the by-laws and regulations of said cemetery, to inclose, improve and adorn the grounds of such cemetery, to construct avenues in the same, to erect proper buildings for the use of said cemetery, to prescribe rules for improving or adorning the lots therein, or for the erection of monuments or other memorials of the dead upon such lots; to prohibit any use, division, improvement or adornment of a lot which they may deem improper. Officers in control of, may improve subject to by-laws.

SEC. 2. Any person who shall wilfully and maliciously destroy, mutilate, deface, injure or remove any tomb, vault, monument, gravestone or other structure placed in any public or private cemetery in this state, or any fences, railing or other work for the protection or ornamentation of said cemetery, or of any tomb, vault, monument or gravestone, or other structure aforesaid, on any cemetery lot within such cemetery, or shall wilfully and maliciously destroy, cut, break, or injure any tree, shrub, plant, or lawn within the limits of said cemetery, or shall drive at unusual and forbidden speed over the avenues or roads in said cemetery, Penalty for injuring or defacing graves, etc.

Also liable to
action for
trespass.

or shall drive outside of said avenues and roads and over the grass or graves of said cemetery, shall be deemed guilty of a misdemeanor and shall, upon conviction thereof before any court of competent jurisdiction, be punished by a fine of not less than five dollars, nor more than one hundred dollars, or by imprisonment in the county jail for a term of not less than one nor more than thirty days, in the discretion of the court, and such offender shall also be liable in an action of trespass in the name of the person or corporation having the custody and control of said cemetery grounds, to pay all such damages as have been occasioned by his unlawful act or acts, which money, when recovered, shall be applied by said person or corporation to the reparation and restoration of the property so injured or destroyed, if the same can be so repaired or restored.

Trustees may
appoint
watchmen

SEC. 3. It shall be lawful for the trustees, directors, or other officers having the custody and control of any cemetery in this state, to appoint as many day and night watchmen of their grounds as they may think expedient; and such watchmen, and also all their sextons, superintendents, gardeners, and agents stationed upon or near said grounds, are hereby authorized to take and subscribe before any mayor of a city, or justice of the peace of the township where such cemetery is situated, an oath of office similar to that required by law of constables, and upon the taking of such oath, such watchmen, sextons, superintendents, gardeners and agents, shall have, exercise and possess all the powers of police officers within and adjacent to the cemetery grounds, and they and each of them shall have power to arrest any and all persons engaged in violating the laws of this state in reference to the protection, care and preservation of cemeteries, and of the trees, shrubbery, plants, structures, grass and adornments therein, and to bring such person so offending before any justice of the peace within such township, to be dealt with according to law.

With powers
of police offi-
cers.

Publication.

SEC. 4. This act, being deemed of immediate importance, shall be in force from and after its publication in the Des Moines Register, and Des Moines Leader, newspapers published in Des Moines, Iowa.

Approved, March 25, 1878.

I hereby certify that the foregoing act was published in the *Iowa State Register*, March 29, and in the *Iowa State Leader*, April 2, 1878.

JOSIAH T. YOUNG, *Secretary of State*,

CHAPTER 107.

VACANCIES IN BOARDS OF TRUSTEES, ETC., OF STATE INSTITUTIONS.

AN ACT in Relation to Vacancies in Offices whose Incumbents are S. F. 302.
Chosen by the General Assembly, Amending Section 782, Chapter
10, Title V., of the Code.

Be it enacted by the General Assembly of the State of Iowa:

SECTION 1. That section 782 of the Code, be, and the same is hereby amended by inserting after the word "state" in the second sub-division of said section, the words, "or chosen by the general assembly." Code, § 782, amended.

SEC. 2. In case of a vacancy from any cause, other than resignation or expiration of term, occurring in any of the boards of trustees or directors of state institutions, it shall be the duty of the secretary of the board wherein the vacancy shall happen, to notify the governor thereof immediately; *Provided*, That this section shall not apply to vacancies in the board of regents of the state university. In case of vacancy in board. Proviso: Not apply to regents of university.

SEC. 3. Upon receiving notice of vacancies which are required to be filled by the general assembly, the governor shall at once notify that body thereof, if it be in session, and immediately upon its next convening if it be not. Duty of governor.

He shall also notify the board of regents of all vacancies occurring therein by resignation.

SEC. 4. This act, being deemed by the general assembly of immediate importance, shall take effect by publication in the Iowa State Register, and Iowa State Leader, newspapers published at the seat of government. Publication.

Approved, March, 25, 1878.

I hereby certify that the foregoing act was published in the *Iowa State Register*, March 30, and in the *Iowa State Leader*, April 1, 1878.

JOSIAH T. YOUNG, *Secretary of State*.

CHAPTER 108.

INDEPENDENT SCHOOL DISTRICT OF NEVADA.

AN ACT to legalize the Boundaries of the Independent School District S. F. 304.
of Nevada, Iowa.

WHEREAS, The secretary of the independent school district of Nevada, Iowa, failed and omitted to have recorded the plat of said independent district at the time of its organization; and,

WHEREAS, The said original plat and files were lost, but after-

wards, to-wit: On the 6th of August, 1875, a new plat correctly describing the boundaries of said district as recognized at the time and since said date was filed in the office of the county auditor; but,

WHEREAS, On account of said irregularity in filing said plat of said independent district, doubts exist as to the legality of its boundaries thus re-established and recognized; therefore,

Be it enacted by the General Assembly of the State of Iowa:

Boundary
established
and legalized.

Defined.

Publication.

SECTION 1. That the following territory be and is hereby established, and legalized as the territory of the independent school district of Nevada, Iowa, it being the same as described by and included in the plat filed in the auditor's office, August 6th, 1875, and recognized as the true territory of said district for years before and since said date, to-wit: All of sections four, five, six, seven and eight, and the north half of section nine, in township 83, range 22, west 5th P. M., and all of sections one and twelve, in township 83 north, range 23, west 5th P. M., and the south half of sections thirty one, thirty-two and thirty-three, in township 84 north, range 22, west 5th P. M.

SEC. 2. This act, being deemed of immediate importance, shall be in force from and after its publication in the Iowa State Register, a newspaper published in Des Moines, Iowa, and in the Nevada Representative, a newspaper published in Nevada, Iowa, without expense to the state.

Approved, March 25, 1878.

I hereby certify that the foregoing act was published in the Nevada Representative, April 3, and in the Iowa State Register, April 11, 1878.

JOSIAH T. YOUNG, *Secretary of State.*

CHAPTER 109.

DISTRICT TOWNSHIP OF COOPER, WEBSTER COUNTY.

S. F. 306.

AN ACT to Legalize the Acts of the Board of Directors of the Independent District of Fort Dodge, in the county of Webster, in setting off and fixing the boundaries of the District Township of Cooper, in the county of Webster, and the election of the Board of Directors of said District Township of Cooper.

Preamble.

WHEREAS, The board of directors of the independent district of Fort Dodge, in the county of Webster, did on petition set off a portion of the territory of said independent district of Fort Dodge, to be organized as the district township of Cooper, in the county of Webster; and

WHEREAS, The proper notices were not given after the action of said board in so setting off said territory to be so organized,

but had been given before and said district township of Cooper had been organized by an election of a board of Directors:

Be it enacted by the General Assembly of the State of Iowa:

SECTION 1. That the acts of the board of directors of the independent district of Fort Dodge, in the county of Webster, in setting off the district township of Cooper, in the county of Webster, and fixing the boundaries thereof, and the election of the board of directors in said district township of Cooper, so set off, be and the same are hereby legalized and made of the same force and effect as if said notice had been duly given five days prior to said election. *Provided*, this act shall not effect any actions now pending, but the rights of all parties to said pending actions are hereby expressly reserved.

Acts of board of directors of Ft. Dodge Tp. legalized.

Election of directors in dist. tp. of Cooper legalized.

SEC. 2. This act, being deemed of immediate importance, shall be in force from and after its publication in the Iowa State Register, a newspaper published at Des Moines, Iowa, and the Fort Dodge Messenger, a newspaper published at Fort Dodge, Iowa, without expense to the state.

Publication.

Approved, March 25, 1878.

I hereby certify that the foregoing act was published in the *Fort Dodge Messenger*, April 5, 1878.

JOSIAH T. YOUNG, *Secretary of State*.

CHAPTER 110.

LEASING CONVICT LABOR.

AN ACT to Repeal Chapter 35, of the Private, Local and Temporary Acts of the Fifteenth General Assembly, and Chapter 97, of the Acts of the Sixteenth General Assembly, and to Provide for the Leasing [of] the Convict Labor of the State. S. F. 320.

Be it enacted by the General Assembly of the State of Iowa:

SECTION 1. That chapter 35, of the private, local and temporary acts of the fifteenth general assembly, and chapter 97 of the acts of the sixteenth general assembly be, and the same are hereby repealed.

Chapter 35, P. L. and T. 15th G. A., and Chapter 97, 16th G. A. repealed.

SEC. 2. The warden of the Iowa penitentiary at Ft. Madison, shall have power to make contracts for labor subject to the approval of the executive council, for such time and for such prices as he may deem for the best interest of the state; *Provided*, no contract made by said warden shall be for a longer period than five years.

Warden shall lease convict labor.

Proviso: Not for longer period than five years.

SEC. 3. This act, being deemed of immediate importance, shall take effect from and after its publication in the Iowa State Reg-

Publication

ister, and Iowa State Leader, newspapers published in Des Moines, Iowa.

Approved, March, 25, 1878.

I hereby certify that the foregoing act was published in the *Iowa State Register*, March 30, and in the *Iowa State Leader*, April 2, 1878.

JOSIAH T. YOUNG, *Secretary of State*.

CHAPTER 111.

TO PREVENT THE PUBLICATION OF FALSE STATEMENTS REGARDING FIRE INSURANCE.

Sub. S. F. 237. AN ACT to prevent the Making and Publication of False or Deceptive Statements in Relation to the Business of Fire Insurance. Additional to Code, Title IX., Chapter 4.

Be it enacted by the General Assembly of the State of Iowa:

SECTION 1. It shall not be lawful for any company, corporation, association, individual or individuals, now transacting or now or hereafter authorized, under any existing or future laws of this state, to transact the business of fire insurance within this state, to state or represent either by advertisement in any newspaper, magazine, or periodical, or by any sign, circular, card, policy of insurance, or certificate of renewal thereof, or otherwise, any funds or assets to be in possession of any such company, corporation, association, individual or individuals, not actually possessed by such company, corporation, association, individual or individuals and available for the payment of losses by fire, and held for the protection of holders of policies of fire insurance.

Unlawful for any company or agent to make false statement of assets.

SEC. 2. Every advertisement or public announcement, and every sign, circular, or card hereafter made or issued by any company, corporation, association, individual or individuals, or any officer, agent, manager or legal representative thereof, now, or hereafter authorized by any existing or future laws of this state to transact the business of fire insurance within this state, which shall purport to make known the financial standing of any such company, corporation, association, individual or individuals, shall exhibit the capital actually paid in, in cash and the amount of net surplus of assets over all liabilities of such company, corporation, association, individual or individuals actually available for the payment of losses by fire and held for the protection of holders of their policies of fire insurance, and shall also exhibit the amount of net surplus of assets over all liabilities in the United States actually available for the payment of losses by fire and held in the United States for the protection of holders of their policies of fire insurance in the United States, including in such liabili-

Publication of financial standing shall truly exhibit capital, &c.

ties the fund reserved for re-insurance of outstanding risks; and shall correspond with the verified statement made by the company, corporation, association, individual or individuals making or issuing the same to the insurance department of this state next preceding the making or issuing the same. The provisions of this section shall not apply to companies, corporations or associations organized and doing business under the laws of this state. Exception.

SEC. 3. Nothing in this act shall be construed to prohibit any insurance company or association from publishing in any policy or certificate of renewal thereof a single item showing the amount of their capital as set forth in their charter, act of incorporation, deed of settlement or articles of association under which they are authorized to transact the business of insurance. Nothing herein to prevent publication of amount of capital in policy.

SEC. 4. Any violation of any provision of this act shall, for the first offense, subject the company, corporation, association, individual or individuals guilty of such violation, to a penalty of five hundred dollars, to be sued for and recovered in the name of the state, with costs and expenses of such prosecution by the district-attorney of any county in which the company, corporation, association, individual or individuals shall be located or may transact business, or in any county where such offense may be committed, and such penalty when recovered shall be paid into the treasury of such county for the benefit of the school fund of said county. Every subsequent violation shall subject the company, corporation, association, individual or individuals guilty of such violation to a penalty of not less than one thousand dollars, which shall be sued for, recovered and disposed of in like manner as for the first offense. Penalty for violating provisions of this act.

Approved, March 25, 1878.

CHAPTER 112.

REPEALING CERTAIN CHAPTERS RELATING TO "GRAY UNIFORMS" OF SECOND AND THIRD IOWA.

AN ACT to repeal Chapter one hundred and twenty-three, acts of the Eleventh General Assembly, and Chapter eight (8), and Chapter one hundred and twenty (120), of the acts of the Twelfth General Assembly, and Chapter ninety-three (93), acts of the Thirteenth General Assembly. S. F. 283.

Be it enacted by the General Assembly of the State of Iowa:

SECTION 1. That chapter one hundred and twenty-three, acts of the Eleventh General Assembly, and chapters eight and one hundred and twenty, acts of the Twelfth General Assembly, and chapter ninety-three, acts of the Thirteenth General Assembly, be and the same are hereby repealed. Repealing clause.

Approved, March 25, 1878.

CHAPTER 113.

IN RELATION TO COMMON SCHOOLS.

S. F. 137. AN ACT amendatory of Section 1802 of the Code of Iowa.

Be it enacted by the General Assembly of the State of Iowa:

SECTION 1. That section 1802 of the Code be amended by adding after the word *number*, in the eleventh (11) line, the following: "Who shall not be entitled to vote except in cases of a tie."

Provided, That no measure or motion shall be considered as having been adopted by the board unless there shall be three votes in favor thereof.

Approved, March 25, 1878.

Code, § 1802,
amended.
President of
board of di-
rectors.

Proviso:

CHAPTER 114.

TAXATION OF SLEEPING AND DINING CARS.

S. F. 318. AN ACT to Tax Sleeping and Dining Cars, Amending Section 1318, Chapter 5, Title X, of the Code.

Be it enacted by the General Assembly of the State of Iowa:

SECTION 1. That in addition to the matters required to be contained in the statement provided for in section 1318 of the Code, such statement shall show the number of sleeping and dining cars not owned by such corporation, but used by it in operating its railway in this state during each month of the year for which the return is made, and also the number of miles each month that said cars have been run or operated on such railway within the state, and the total number of miles that said cars have been run or operated each month within and without the state.

Code, § 1318,
amended.
Railroad
company
shall return
number of
sleeping and
dining cars
used.

Executive
council shall
assess the
same.

SEC. 2. The executive council shall, at the time of the assessment of other railway property for taxation, assess for taxation the average number of cars so used by such corporation each month, and the assessed value of said cars shall bear the same proportion to the entire value thereof, that the monthly average number of miles that such cars have been run or operated within the state shall bear to the monthly average number of miles that such cars have been used or operated within and without the state, such valuation shall be in the same ratio as that of the property of individuals.

SEC. 3. The executive council shall, as provided by sections 1318 and 1319 of the Code, first assess the value of the property of the corporation using sleeping and dining cars not owned by such corporation, and shall then add to such valuation, the amount of the assessed valuation of said sleeping and dining cars, made as hereinbefore provided, and such aggregate amount shall constitute and be considered the assessed value of the property of such corporation for the purposes of taxation. Manner of assessment.

Approved, March 25, 1878.

CHAPTER 115.

STATE UNIVERSITY.

AN ACT to prevent the use of the Funds of the State University for S. F. 311., Support of the Preparatory Department after July 1, 1879.

Be it enacted by the General Assembly of the State of Iowa :

SECTION 1. That after the 1st day of July, 1879, no part of the Funds shall be used for preparatory department. funds belonging to or appropriated for the state university shall not be used for preparatory department. be used for the support of the preparatory or non-collegiate course of studies heretofore taught in said university.

Approved, March 25, 1878.

CHAPTER 116.

TREASURER OF STATE.

AN ACT to amend Section 80, of Chapter 4, Title 2, of the Code of 1873. S. F. 303.

Be it enacted by the General Assembly of the State of Iowa :

SECTION 1. That section 80, of chapter 4, title 2, of the Code, Code, § 80, be amended as follows: By striking out in the fourth line of said section the words, "March, June and September," and inserting "January, April and July;" also, strike out the word "November," in the fifth line, and insert "on the first day of October." In what months he shall report warrants taken up.

Approved, March 25, 1878.

CHAPTER 117.

RELATING TO CITIES ACTING UNDER SPECIAL CHARTERS.

S. F. 215. AN ACT to Reduce the Limits of certain Cities incorporated under Special Charters. Additional to Code, Title IV, Chapter 10: "Of Cities and Incorporated Towns."

Be it enacted by the General Assembly of the State of Iowa:

Manner of severing territory.

Upon two-thirds vote.

Council shall file petition in circuit court.

Map.

Notice of filing petition.

SECTION 1. That when any city, incorporated under a special charter, and having, according to the returns of the census taken under and by authority of the state of Iowa in the year 1875, a population of not less than ten thousand, nor more than twelve thousand inhabitants, shall desire to have any portion of the territory embraced within its limits severed from or stricken out of the limits of such city, the city council of said city may, upon a vote of two-thirds of the whole number of members of such council, present to the circuit court of the county in which such city is situated a petition setting forth the facts and describing the territory that is desired to have severed, with the names of each overseer of any portion of such territory, so far as shown by the assessment list of such city, which petition shall have attached thereto a map or plat of such territory. A notice of the filing of such petition shall be served by publication in one of the daily newspapers published in such city, for the period of four weeks prior to the meeting of the circuit court in which said petition is filed. And the city shall be plaintiff, and said overseers defendants, and issues joined, and the cause tried in the same manner as other causes so far as applicable, except that no judgment for costs shall be rendered against the defendants. If the court finds the allegations of the petition to be true and that justice and equity require that said territory, or any part thereof, should be severed from such city, a decree shall be entered accordingly, and from the time of entering such decree the territory therein described shall be severed from and no longer be a part of such city.

Approved, March 25, 1878.

CHAPTER 118.

CHANGE OF THE PLACE OF TRIAL IN CIVIL CASES.

AN ACT to amend section 2590, Chapter 5, Title 17, of the Code, limiting the number of Changes of the Place of Trial in Civil Cases. H. F. 73.

Be it enacted by the General Assembly of the State of Iowa:

SECTION 1. That section 2590 of the Code be, and the same is hereby amended, by adding thereto the following: Code, § 2590, amended.

Provided, however, That not more than two changes to either party of the place of trial shall be allowed for any of the causes enumerated in this section; nor shall a change of venue from the county be allowed in case of appeal from a justice of the peace; nor shall a change of the place of trial be allowed when the issue can only be tried to the court, for any objection to the inhabitants of the county, or for the objection that the adverse party or his attorney has such an undue influence over the inhabitants thereof, that he can not obtain a fair trial; and Number of changes limited.

Provided, That after any change of venue has been taken as herein provided, and a trial had and the jury been discharged or a new trial has been granted them a subsequent change of venue may be taken for any of the causes mentioned in said section. Provided.

Approved, March 25, 1878.

CHAPTER 119.

PROHIBITING THE SALE OF MALT OR VINOUS LIQUORS WITHIN TWO MILES OF CORPORATION AND OF PLACE OF ELECTION.

AN ACT to Prohibit, Regulate, and Punish the Sale of Malt or Vinous Liquors within Two Miles of the Corporate Limits of any Municipality, and within Two Miles of where an Election is held, and to Extend the Powers and Jurisdiction of said Municipality and its Officers. Additional to Code, Title IV, Chapter 10, "Of Cities and Incorporated Towns." Sub. S. F. 259.

Liquors within Two Miles of the Corporate Limits of any Municipality, and within Two Miles of where an Election is held, and to Extend the Powers and Jurisdiction of said Municipality and its Officers. Additional to Code, Title IV, Chapter 10, "Of Cities and Incorporated Towns."

Be it enacted by the General Assembly of the State of Iowa:

SECTION 1. It is hereby made unlawful for any person by himself, his agent or employe, directly or indirectly to sell to any person ale, wine, beer or other malt or vinous liquor within two miles of the corporate limits of any municipal corporation; except at wholesale for the purpose of shipment to places outside of such corporation and such two mile limits, except as hereinafter provided; and excepting further, that when said two miles embrace Unlawful to sell ale, wine, or beer within two miles of corporate limits. Except at wholesale, for shipment.

And when two miles limit it embraces another corporation.

any part of another municipal corporation, that part so embraced within said other corporation shall not be held to be affected by this act, but shall remain as heretofore exclusively under the control of the corporation within which it is situated.

Unlawful to sell on election day within two miles of the polls.

SEC. 2. It is hereby made unlawful for any person by himself, his agent or employe, directly or indirectly to sell to any person, and upon any pretext whatever ale, wine, beer or other malt or vinous liquors upon the day on which any election is held under the laws of this state, within two miles of the place where said election is held.

May sell on prescription of physician.

SEC. 3. The foregoing sections shall not be held to include the sale, by any person holding a permit therefor under the laws of this state, of said malt or vinous liquors, when said sale is made upon the prescription therefor of a practicing physician. The provisions of this section shall be a matter of defense in any prosecution under this act.

Giving wine, ale, or beer in consideration of purchase of other property.

SEC. 4. The giving to any person of ale, wine, beer, or other malt or vinous liquor, in consideration of the purchase of any other property shall be construed and held to be a sale thereof within the meaning of this act, and courts and jurors shall construe this act so as to prevent evasion.

Penalty for violating the provisions of this act.

SEC. 5. Any person violating the provisions of this act shall be deemed guilty of a misdemeanor, and shall pay, on his first conviction for said offense, a fine of twenty dollars, and costs of prosecution, and shall stand committed five days, unless the same be sooner paid; on the second conviction for said offense, he shall pay a fine of fifty dollars and the costs of prosecution, and shall stand committed fifteen days, unless the same be sooner paid; and on the third and every subsequent conviction for said offense, he shall be punished by a fine of one hundred dollars, and shall pay the costs of prosecution, and shall stand committed for thirty days, if the same be not sooner paid, or by imprisonment in the county jail for thirty days.

Liability of agent.

SEC. 6. Any employe or agent of whatsoever kind, engaged or employed in selling, in violation of this act, shall be charged and convicted in the same manner as a principal may be, and shall be subject to the penalties and punishment in this act provided for such principal.

Number of allegations in information.

SEC. 7. Informations for violations under this act may allege any number of violations of its provisions by the same party, but the various allegations must be contained in separate counts, and the person so charged may be convicted and punished for each of the violations so alleged as on separate informations; but a separate judgment must be entered on each count on which a verdict of guilty is rendered. The second and third convictions mentioned in this act shall be construed to mean convictions on separate informations. If the information does not otherwise indicate, it shall be held to be for a first offense.

SEC. 8. A conviction for a violation of the provisions of this act, shall, at the option of the landlord or his agent, be held to be a forfeiture of any lease of the real estate in or upon which such sale in violation thereof is made, and such landlord or his agent

shall have the right at any time within thirty days from such conviction to institute a suit of forcible entry and detainer for the possession of said real estate, and shall recover possession of such leased premises upon proof of the conviction of the tenant, his agent, servant, clerk, or any one claiming under him, of a violation of the provisions of this act, committed in or upon said leased premises.

Conviction may be held to be a forfeiture of lease.

SEC. 9. The power and jurisdiction of every municipal corporation, whether acting under general or special charter, to regulate, prohibit or license the sale of ale, wine and beer, and of the courts and officers thereof to enforce said regulations, is hereby extended two miles beyond the corporate limits of said corporation.

Jurisdiction of municipal corporation.

Provided, That this section shall not be held to authorize said corporation to license any malt or vinous liquors, other than those malt or vinous liquors which said corporation, at this date, is authorized to license.

Approved, March 25, 1878.

CHAPTER 120.

MASON FISH, J. P.

AN ACT to Legalize the acts of Mason Fish, a Justice of the Peace in S. F. 80. Clay Township, Shelby county.

WHEREAS, At a general election held in October, 1875, in Clay township, Shelby county, Iowa, Mason Fish, Esq., a citizen of that township and county, was elected a justice of the peace, and supposed himself elected for the term of two years, and the electors of that township were of like opinion; and

Preamble.

WHEREAS, The fact was that the said Mason Fish was elected for but one year; and

WHEREAS, The said Mason Fish continued to act as a justice of the peace until the fourth day of April, 1877, without authority so to do; therefore,

Be it enacted by the General Assembly of the State of Iowa:

[SECTION 1.] That all official acts of the said Mason Fish, of Clay township, Shelby county, Iowa, done between January 1, 1877, and April 4th, 1877, as a justice of the peace, while he and his constituents supposed he held that office, be and the same are hereby legalized.

Official acts legalized.

Approved, March 25, 1878.

CHAPTER 121.

CONSTRUCTION OF DRAINS THROUGH TWO OR MORE COUNTIES.

S. F. 256.

AN ACT to Provide for Opening Drains to be Constructed through Two or More Adjoining Counties, Amendatory of Chapter 2, Title 10, of the Code.

Be it enacted by the General Assembly of the State of Iowa :

SECTION 1. That chapter two, of title ten, of the Code, be amended as follows: In all cases when it becomes necessary to construct a drain through two or more contiguous counties or parts of counties, and a petition for such drain has been presented to the board of supervisors of the counties through which such drain is to be constructed, it shall be the duty of the board of supervisors of each of such counties to appoint a commissioner to act with the commissioner or commissioners of such other counties in locating such drain.

Code, chapter 2, title ten, amended.

Board of supervisors shall appoint commissioner to locate.

Duty of commissioners.

SEC. 2. It shall be the duty of the commissioners appointed under section one of this act, to meet within twenty days after the appointment of the last commissioner by such board of supervisors, and at once locate such drain through their respective counties.

Approved, March 25, 1878.

CHAPTER 122.

PAYMENTS BY COUNTY TREASURERS TO STATE TREASURER.

S. F. 309.

AN ACT to Amend Section 914 and Repeal Section 915 of Chapter 3, Title 6 of the Code; also to Amend Sub-division 5 of Section 3793 of Chapter 2, Title 23 of the Code relating to the Payment of Money into the State Treasury.

Be it enacted by the General Assembly of the State of Iowa :

Code, § 914, amended. Shall not pay State dues to bank.

SECTION 1. That section 914 of chapter 3, title 6 of the Code be amended as follows: by striking out the following words in the twelfth, thirteenth and fourteenth lines of said section, "or to any bank incorporated under the laws of this state, or any national bank in this state."

Code, § 915, repealed. Code, § 3793, sub-div. 5. Substitute for.

SEC. 2. That section 915, chapter 2, [3] title 6 of the Code is hereby repealed.

SEC. 3. That sub-division 5 of section 3793 of chapter 2, title 23, is hereby repealed, and the following enacted in lieu thereof: "For paying money into the state treasury when required by

law, or the auditor of state, such compensation as the board of supervisors shall allow, not exceeding one-fourth of one per cent. on the amount so paid, which allowance shall be paid by the county." Compensation of county treasurer.

Approved, March 25, 1878.

CHAPTER 123.

PUBLICATION AND DISTRIBUTION OF LAWS.

AN ACT amendatory to Chapter 132, Laws of the Sixteenth General S. F. 315.
Assembly relating to the Publication and Distribution of the Laws.

Be it enacted by the General Assembly of the State of Iowa:

SECTION 1. That section 39, chapter 132, laws of the sixteenth general assembly be, and the same is hereby repealed, and the following enacted in lieu thereof: § 39, chapter 132, 16th G. A.: Substitute for.

Section 39. The secretary of state shall distribute the laws aforesaid as follows: To whom, and number, distributed.

To the state library for distribution to other states and territories, and for exchange, two hundred copies.

Two copies to each state institution, to each judge of a court of record, and to each state officer.

One copy to each member of the general assembly.

Ten copies to the library of the law department of the state university.

One copy to the state historical society.

All of the foregoing to be in law sheep. Thirteen thousand copies of the laws bound in boards for distribution to county auditors upon their requisition.

SEC. 2. Section 40, chapter 132, laws of the sixteenth general assembly, is hereby repealed, and the following enacted in lieu thereof: § 40, chapter 132, 16th G. A.: Substitute for.

Section 40. Each county officer, justice of the peace, township clerk and mayor of a city or incorporated town shall be supplied with a copy of the laws for the use of his office, which shall be delivered to his successor in office. County auditor shall supply.

Distribution shall be made upon the requisition of the county auditor upon the secretary of state, which requisition shall state the number of copies required for distribution under the provisions of this section, and also the number of copies requisite for sale in the county, and said requisition shall be made before the first day of March in each year, and thereupon the secretary of state shall forward the number so certified and file with the auditor of state a certificate thereof, which shall be charged to such county by the auditor of state. County auditor shall make requisition on secretary of State. When.

The auditor of state shall credit the county with the number of copies distributed under the provisions of the act upon the filing of the proper vouchers by the county auditors, and upon sale of

County to be credited with number of laws on voucher.

such laws by the county auditor at the rate of fifty cents per copy. The said county auditor shall pay said amounts to the county treasurer of his county, for the use of the state revenue, and the treasurer shall execute duplicate receipts therefor, one of which shall be filed with the auditor of state.

The county auditors shall furnish the laws in their respective counties as hereinbefore provided.

Publication. SEC. 3. This act, being deemed of immediate importance, shall take effect and be in force from and after its publication in the Iowa State Register and Iowa State Leader, newspapers published at Des Moines, Iowa.

Approved, March 25, 1878.

I hereby certify that the foregoing act was published in the *Iowa State Leader*, April 2, and in the *Iowa State Register*, April 3, 1878.

JOSIAH T. YOUNG, *Secretary of State*.

CHAPTER 124.

BARBED WIRE FENCE.

S. F. 209. AN ACT to Amend Chapter 101, Laws of the Sixteenth General Assembly, in relation to Fences.

Be it enacted by the General Assembly of the State of Iowa:

Chapter 101,
16th G. A.,
amended.

SECTION 1. That chapter 101 of the general laws of the sixteenth general assembly, be amended by inserting after the word "rod," in the seventh line of section one of said chapter, the words, "of two points each on each wire or twenty-six iron barbs of four points each on each wire."

Approved, March 25, 1878.

CHAPTER 125.

MILITARY CODE OF IOWA.

Sub. S. F. 54. AN ACT to provide for the Organization of the State Militia, and entitled the "Military Code of Iowa," and fixing the salary of certain officers. Repealing Title VIII of the Code.

Be it enacted by the General Assembly of the State of Iowa:

Militia of the
State.

SECTION 1. That all able-bodied male citizens of the state, between the ages of eighteen and forty-five years, who are not exempted from military duty according to the laws of the United States, shall constitute the military force of this state.

SEC. 2. Assessors in each township are required to make and

return to the county auditor of their respective counties, at the time of making the annual assessment, a correct list of persons subject to military duty, which list may be revised and corrected by the board of supervisors, and the county auditor shall, in the month of June in each year, certify to the adjutant-general of the state a true copy of said list.

Duty of assessors in taking list of militia.

SEC. 3. When it is necessary to execute the laws, suppress insurrection or repel invasion, or when a requisition shall be made by the president of the United States for troops, the governor, as commander-in-chief shall, by his proclamation, order out for active service the militia of the state, or such portion thereof as may be necessary, designating the same by draft if a sufficient number shall not volunteer, and may organize the same and appoint and commission officers therefor; and when so ordered out for service the militia shall be subject to like regulations and receive from the state like compensation and subsistence, as are prescribed by law for the army of the United States.

In case of insurrection &c. may be ordered out.

SEC. 4, SUB-DIV. 1. Except in time of war or public danger, the active militia shall not exceed one regiment of infantry for each congressional district in the state, and one regiment of cavalry and one regiment of artillery for the state at large. It shall be designated as the "Iowa National Guard," and shall be recruited by volunteer enlistments.

Active force limited except in time of public danger.

Name.

SUB-DIV. 2. The entire state shall compose one division of not more than two brigades, to be commanded by one major-general and two brigadier-generals. The commander-in-chief shall assign all regiments, battalions and companies to such brigades as he shall think proper. All enlistments therein shall be for three years, and made by signing enlistment papers prescribed by the adjutant-general, and taking the following oath or affirmation, which may be administered by the enlisting officer, to-wit: You do solemnly swear (or affirm) that you will bear true allegiance to the United States and the State of Iowa, and that you will support the constitution thereof; that you will serve the State of Iowa faithfully in its military service for the term of three years, unless sooner discharged or you cease to become a citizen thereof; that you will obey the orders of the commander-in-chief and such officers as may be placed over you, and the laws governing the military forces of Iowa—so help you God.

State shall compose one division.

Enlistments for three years.

Oath.

SEC. 5, SUB-DIV. 1. The staff of commander-in-chief shall consist of an adjutant-general, an inspector-general, a quartermaster-general, a commissary-general, and a surgeon-general, and such other officers as he may think proper to appoint. The adjutant-general shall rank as a major-general. He shall issue and transmit all orders of the commander-in-chief, with reference to the militia or military organizations of the state, and shall keep a record of all officers commissioned by the governor, and of all general and special orders and regulations, and of all such matters as pertain to the organization of the state militia and the duties of an adjutant-general, and except in times of war or public danger, he shall perform the duties of quartermaster-general, as required by law, without additional compensation therefor. He

Staff of commander-in-chief.

Adjutant general.

Shall have charge of arsenal.

Ordnance sergeant. Salary.

Adjutant general shall report.

Adjutant general: Term of office. Salary.

Generals of division and brigades: Election and term of office.

Division staff.

Brigade staff.

Make-up of regiment. Battalion.

Regimental staff.

shall have charge of the state arsenal and grounds, and shall receive and issue all ordnance and ordnance stores and camp equipage, on order of the commander-in-chief. He may appoint, with the approval of the governor, an ordnance sergeant, at a salary of not more than \$400.00 per year, who shall, under the direction of the adjutant-general, take charge of the state arsenal and grounds, and shall aid and assist him in the discharge of his duties. He shall furnish, at the expense of the state, such blanks and forms as shall be approved by the commander-in-chief. He shall also, on or before the first day of October next preceding the regular session of the general assembly, and at such other times as the governor shall require, make out a full and detailed account of all the transactions of his office, with the expenses of the same, for the preceding two years, and such other matters as shall be required by the governor. He shall reside at the state capital, and shall hold his office during the pleasure of the governor, and shall receive for his services \$1,000 a year, except in time of war or public danger, when he shall receive like pay as a brigadier-general in the United States army.

SUB-DIV. 2. The generals of divisions and brigades shall be elected in accordance with sec. 3, art. 6, of the constitution, and shall hold their office for three years, or until removed by court-martial or resignation. On recommendation of the general of division the governor shall appoint and commission the following as division staff: Chief of staff, with rank of colonel; assistant adjutant-general, with rank of lieutenant-colonel; assistant inspector, with rank of lieutenant-colonel; surgeon, with rank of lieutenant-colonel; quartermaster, with rank of major; commissary, with rank of major; judge advocate, with rank of major; paymaster, with rank of major; and two aids-de-camp, with rank of captain. On recommendation of brigade commanders, the governor shall appoint and commission the brigade staff, as follows: Assistant adjutant-general, with rank of lieutenant-colonel; assistant inspector-general, with rank of major; surgeon, with rank of major; quartermaster, with rank of captain; commissary, with rank of captain; and two aids-de-camp, with rank of first lieutenant.

Provided, That none of the officers named in this section shall receive pay except in time of war or public danger.

SUB-DIV. 3. A regiment shall consist of not less than eight or more than ten companies. A battalion shall consist of not less than two or more than seven companies. A battalion of less than four companies shall be entitled to a major, and when it has been augmented to four or more companies, it shall be entitled to a lieutenant-colonel. The colonel, lieutenant-colonel and major of all battalions and regiments, shall be elected in accordance with sec. 3, art. 6 of the constitution. The regimental staff shall consist of a surgeon, with rank of major; assistant surgeon, with rank of captain; chaplain, with rank of captain; adjutant, with rank of first lieutenant; quartermaster, with rank of first lieutenant; who shall be appointed and commissioned by the governor, on recommendation of the regimental commander. The colonel of

each regiment shall appoint by warrant, countersigned by the adjutant, a sergeant-major, quartermaster sergeant, commissary sergeant, hospital steward, color sergeant, ordnance sergeant, drum-major, fife-major, and one bugler, who shall constitute the non-commissioned staff. All field officers shall hold their offices for three years. The commissions of all staff officers shall expire when the successor of the officer nominating them shall make new nominations to their respective office, and such nominations shall be confirmed by the commander-in-chief.

Non-commissioned staff.

SUB-DIV. 4. A company shall consist of a captain, a first lieutenant, a second lieutenant, five sergeants, eight corporals, two musicians, and not less than forty or more than sixty-four privates and non-commissioned officers; artillery companies not to exceed twenty privates to each gun, and each company to have four commissioned officers. Company officers shall be elected by members of the company, and shall hold their offices for three years. All non-commissioned officers of companies, on recommendation of their captain, shall be appointed by the warrant of the battalion commander, countersigned by the adjutant.

Organization of a company.

SUB-DIV. 5. All elections of line officers shall be ordered by the regimental commander. The order for such election shall be sent to the commanding officer of the company in which said election is ordered, who shall in turn issue his special order for such election, giving at least six days notice thereof, posting said order in three public places accessible to the members of his command, and, where practicable, the same shall be published in one or more newspapers in the county where said company is located. All voting shall be by ballot, and no voting by proxy shall be legal; and a majority of all votes cast shall be necessary to elect. The senior officer present at such election shall preside. The returns of election, properly attested, shall be made promptly within five days from the date of election, to the commanding officer of the regiment, who shall promptly forward the result of said election to the brigade commander, who will report the same to the adjutant general of the state, by whose approval the commander-in-chief will issue commissions accordingly;

Election of line officers.

Provided, That at the organization of a new company the election shall be conducted under such regulations as the adjutant-general shall prescribe.

SUB-DIV. 6. Every company, battalion and regiment may make by-laws for its own government not in conflict with this act or general orders or regulations, which shall be binding upon the members.

By-laws.

SUB-DIV. 7. Every officer, non-commissioned officer, musician and private of the Iowa national guard shall be held to duty for the full term of three years, unless regularly discharged for good and sufficient cause by the commandant of his regiment, battalion or battery, approved by the division commander;

Term of service.

Provided, That said term of three years shall in all cases commence from the time such officer, non-commissioned officer, musician, and private, shall have become an active member of any band, company, battalion or brigade organized or commissioned

When term begins.

under the laws of this state, and now belonging thereto. All persons serving three years consecutively in the active militia, shall, on application, be entitled to an honorable discharge, exempting them from military duty except in time of war or public danger.

Military regulations. SUB DIV. 8. The organization, equipment, discipline and military regulations of the state militia, shall strictly conform to the regulations for the government of the army of the United States, in all cases except as herein otherwise provided, and all orders and regulations governing troops, not in conflict with the constitution of this state, and the provisions of this act, shall be binding upon all members of the Iowa national guard.

Exemptions on account of military duty. SEC. 6. Every officer, non-commissioned officer, musician and private of the Iowa national guard, shall be exempt from jury duty; from head or poll tax of every description during the term he shall perform military duty. The uniforms, arms and equipments of every member of the state guard, shall be exempt from all suits, distresses, executions or sales for debt or payment of taxes.

Not exempt from fines assessed by court martial. *Provided,* That no property of any kind or nature whatsoever, shall be exempt from executions issued for fines lawfully assessed by any officer, company, battalion or court martial against any member of the state guard. The militia shall, in all cases except treason, felony or breach of the peace, be privileged from arrest during their attendance at drills, parades, encampments, and the election of officers, and in going to and returning from the same.

Drill by companies. SEC. 7, SUB-DIV. 1. The commandant of each regiment and battalion may order monthly or semi-monthly, day or evening drills, by the companies of his command, from October to April, inclusive, and the members thereof shall receive no compensation for their services while attending such drills.

Regimental drill. SUB DIV. 2. The Iowa national guard may parade for drill three or five days annually, by company or regiment as ordered by the major-general, and the members thereof shall receive as compensation for their services at such annual parade, their subsistence at the rate of thirty-three and one-third cents per day, and their transportation to and from the place of rendezvous, at the rate of not to exceed one and one-half cents per mile each way.

Field or camp duty. SUB DIV. 3. The commanding officer of any encampment may cause those under his command to perform any field or camp duty he shall require, and may put under arrest during such encampment or parade, any member of his command who shall disobey a superior officer, or be guilty of disorderly or unmilitary conduct, and any other person who shall trespass on the parade or encampment grounds, or in any way interrupt or molest the orderly discharge of duty by members of his command, and he may prohibit the sale of all spirituous or malt liquors within one mile of such encampment and enforce such prohibition by force if necessary.

Provided, however, that nothing herein contained shall be construed to interfere with the regular business of any liquor

dealer whose place of business shall be situated within said limits.

SUB-DIV. 4. The major-general shall direct such target practice ^{Target practice.} at the annual parades and encampments as he may deem expedient, and he may command at each general encampment, and report the conduct and discipline thereof to the commander-in-chief. And for the use of the militia in such target practice, the adjutant-general shall issue to each infantry or cavalry company on the requisition of the commanding officer thereof, an amount not exceeding one thousand rounds of fixed ammunition in each year; and for the use of the artillery he shall issue in each year forty rounds of ammunition to each gun.

SEC. 8, SUB-DIV. 1. Upon the organization of any company or battalion of the state guard, on the requisition of its commanding officer, and the approval of the governor, the adjutant-general shall issue all necessary ordnance and ordnance stores. ^{New company to receive ordnance on giving bond.}

Provided, however, that when any arms or munitions are delivered to any commander, he shall execute and deliver to the adjutant-general a bond payable to the people of the State of Iowa, in a sufficient amount, and with sufficient sureties to be approved by the governor, conditioned for the proper use of such arms and munitions, and return of the same when requested by the proper officers in good order, wear, use and unavoidable loss and damage excepted; all such arms and munitions shall be kept at the company or regimental armory.

SUB-DIV. 2. The following amounts of money shall be set apart ^{Appropriation for armory rent.} from the fund of the state, as hereinafter provided, for the rent of an armory for each regiment or battalion, viz: The adjutant-general, under the approval of the commander, shall apportion to each company of the state guards not to exceed \$50 for the payment of armory rent, fires and lighting thereof;

Provided, That said apportionment shall be equal between the several regiments, battalions, or companies, based upon the number of enlisted men regularly reporting for duty. All requisitions for the rent of armories must be made in duplicate by the commandant of any regiment or battalion, countersigned by his adjutant and quartermaster, on the governor, who, being satisfied that said requisition is in compliance with this act, shall cause one copy to be filed in the office of the adjutant-general and the other copy he shall forward with his indorsement thereon to the state auditor, who shall thereupon draw his warrant for the amount named in said requisition on the state treasurer, payable out of the state fund, and forward said warrant to said commander. The armory of each regiment, battalion, or company shall be subject to the orders of the adjutant-general, be under the charge of its commanding officer, who shall keep therein all property furnished by the state, and no company shall be furnished with arms or equipments until a suitable armory shall be provided for their deposit.

SUB-DIV. 3. The entire state guard and all armories, ordnance stores, and camp equipage belonging to the state shall be inspected at least once each year, without expense to the state, un- ^{Annual inspection.}

der such rules and regulations as may be provided by the inspector general, with the approval of the commander-in-chief.

Penalty for making false statement as to disposition of funds or property.
SUB-DIV. 4. Any officer, non-commissioned officer, or private of the Iowa national guard knowingly making any false certificate, or false returns of state property in his hands, or neglecting or refusing to apply all money drawn from the state treasurer for the purpose named in the requisition therefor, shall be guilty of embezzlement and fraud, and shall be punished in the manner as provided for like offenses in the criminal code of this state.

Uniform.
SEC. 9, SUB-DIV. 1. The several organizations, regiments, battalions and batteries of the Iowa national guard shall adopt the fatigue uniform of the army of the United States.

Officers uniform.
SUB-DIV. 2. The field, staff and line officers of the Iowa national guard shall adopt the uniform prescribed for officers of the same rank in the United States army.

Penalty for failing to return arms, &c., to armory
SUB-DIV. 3. Every officer, non commissioned officer, musician, or private, who shall neglect to return to the armory of the company, or to place in charge of the commanding officer of the company to which he belongs, any arms, uniform, or equipment, or portion thereof belonging to the state within six days after being notified by said commanding officer to make such return, or to place the same in his charge, shall be fined not more than fifty dollars, or imprisoned not more than two months, or both.

Penalty for injuring arms, &c.
SUB-DIV. 4. Every person who shall wilfully or wantonly injure or destroy any uniform, arm, equipment, or other military property of the state, and refuse to make good such injury or loss, or who shall sell, dispose of, secrete or remove the same, with intent to sell or dispose thereof, shall be fined not more than two hundred dollars, or imprisoned not more than six months, or both.

Penalty for absence from drill.
SEC. 10, SUB-DIV. 1. Every non-commissioned officer, musician and private, absent without leave or excuse satisfactory to his commanding officer, from any parade, drill, or encampment, shall be fined two dollars (\$2.00) for each day of absence; and for any unsoldierly conduct at drill, parade or encampment, he may be fined not more than ten dollars (\$10.00) by his commanding officer, who shall notify him of such fine within ten days after such absence or offense. If such fine is not paid within ten days after said notice, said commanding officer shall certify the same to the commandant of his regiment, who shall hear and determine the same. And he may at any time within six months after such hearing, draw his warrant for the collection of said fine, directed to the sheriff, or any constable, who shall proceed to enforce the same in the same manner as an execution issued in any civil action. Such fines, when collected, shall be paid into the treasury of the company, troop or band to which the offender belongs. Nothing herein shall be construed to prevent any company or band imposing such fines upon its members as it may think proper in its by-laws; which fines may be enforced in the same manner as hereinbefore provided for the collection of fines for absence from drill, parade or encampment.

SUB-DIV. 2. A judge advocate, with the rank of ——— major

—, shall be appointed for each brigade, and hold office during the pleasure of the commander-in-chief, who shall perform the duties of such office in the courts-martial held in his district; and no other person shall prosecute or defend in such courts; but when he shall be unable to attend, from any cause, or shall be disqualified by interest or relationship, the major-general may designate the judge advocate of another brigade to act in his place.

Judge-advocate.

SUB-DIV. 3. Commissioned officers, for neglect of duty, disobedience of orders or unsoldierly or ungentlemanly conduct, may be tried by court martial, provided that no sentence of any court martial shall affect the life, liberty or property of any citizen of Iowa, according to the regulations provided in like cases in the army of the United States. The major-general, by order, shall designate the time and place of holding such courts, and the names of officers composing it, consisting of not less than three, nor more than six. The senior officer named shall preside, and shall be of superior rank to the officer on trial, when practicable. Witnesses for the prosecution and defense may be summoned to attend by subpoena signed by the judge advocate. Any witness duly summoned, who shall fail to appear and testify, may be, by warrant of the president of the court, directed to the sheriff, or any constable, arrested, and treated as in like cases before civil courts. The fees of all witnesses shall be the same as allowed in civil cases, to be taxed, with the necessary expenses of the judge advocate and the court, by the president of the court, and paid by the state treasurer, on the auditor's warrant, to the judge advocate, who shall pay all expenses of the trial, when received by him.

Officers to be tried by court-martial.

Organization and procedure of court-martial.

SUB DIV. 4. The sentences of courts-martial shall be approved or disapproved by the commander-in-chief, who may mitigate or remit any punishment awarded by sentence of court martial, when such sentence shall have been approved by the major-general. The record of all the proceedings and the sentence of a court martial, in every case with the order approving or disapproving it, shall be deposited in the office of the adjutant-general.

Sentence of court-martial.

SEC. 11. Every division, brigade and regimental commander in the Iowa national guard, is hereby authorized to appoint a military board or commission without expense to the state, of not less than three nor more than five officers, whose duty it shall be to examine the capacity, qualification, propriety of conduct, and efficiency of any commissioned officer in his command, who may be reported to the board or commission; and upon the report of said board, if adverse to such officer, and if approved by the commander-in-chief, the commission of such officer shall be vacated; *Provided*, always, that no officer shall be eligible to sit on such board, whose rank or promotion would in any way be affected by the proceedings; and two members at least shall be of equal or superior rank with the officer examined; and if any officer shall refuse to report himself, when directed, before such board, the commander-in-chief may, upon the report of such refusal by his commander, declare his commission vacated.

Military commission.

SEC. 12. Nothing in this act shall be construed to extend the time of office of any commissioned officer beyond the term for which he shall have been elected by his company, battalion or regiment.

Construction of this act as to term of officers already elected.
Repealing clause.

SEC. 13. Chapter 1, title 8, of the Code of 1873, and all other acts or portions of acts in conflict herewith, are hereby repealed.
Approved, March 25, 1878.

I hereby certify that the foregoing act was published in the *Iowa State Register*, and *Iowa State Leader*, April 3, 1878.

JOSIAH T. YOUNG, *Secretary of State*.

CHAPTER 126.

TAKING PRIVATE PROPERTY FOR WORKS OF INTERNAL IMPROVEMENT.

S. F. 58. AN ACT to Amend Section 1241 of the Code, Title 10, Chapter 4, Relating to Taking Private Property for Works of Internal Improvement.

Be it enacted by the General Assembly of the State of Iowa :

Code, § 1241, amended.
Railroads.

SECTION 1. That section 1241 of the Code be amended by inserting after the word "state," in the first line thereof, the words "or chartered by or organized under the laws of the United States or any state or territory."

Publication.

SEC. 2. This act, being deemed of immediate importance, shall take effect and be in force from and after its publication in the *Daily State Register*, published at Des Moines, and the *Daily Nonpareil*, published in Council Bluffs, Iowa, without expense to the state.

Approved, March 25, 1878.

I hereby certify that the foregoing act was published in the *Iowa State Register*, March 29, and in the *Council Bluffs Nonpareil*, March 30, 1878.

JOSIAH T. YOUNG, *Secretary of State*.

CHAPTER 127.

INDEPENDENT SCHOOL DISTRICT OF PLAINFIELD, BREMER COUNTY.

H. F. 579. AN ACT to Legalize the Independent School District of Plainfield, Bremer County, Iowa.

Preamble.

WHEREAS, On or about the ninth day of March, A. D., 1871, the independent school district of Plainfield, Bremer county, Iowa, was organized; and,

WHEREAS, The law which authorized said organization had been repealed; and,

WHEREAS, Said independent district has since that time, and is now exercising all the functions and powers of independent districts in the state; but,

WHEREAS, Doubts have arisen as to the legality of the formation and organization of such independent district; therefore,

Be it enacted by the General Assembly of the State of Iowa:

SECTION 1. That the formation and organization of the independent district of Plainfield, Bremer county, Iowa, be, and the same is hereby legalized, and the official acts of its officers are hereby made as legal and binding as if they had been done in compliance with the law governing independent districts in this state.

Organization of, and acts of officers thereunder legalized.

Approved, March 25, 1878.

CHAPTER 128.

CITY OF CHARLES CITY.

AN ACT to Legalize certain Coporate Acts of the City of Charles City, H. F. 450. Iowa.

WHEREAS, Doubts have arisen in regard to the validity of a Preamble. certain ordinance passed by the council of Charles City on the twelfth day of February, 1872, entitled, "An ordinance creating the town of Charles City a city of the second class, and establishing wards therein," which ordinance was published in the Charles City Intelligencer on the fifteenth day of February, 1872, but by some oversight was never recorded in the book of record of Charles City, and is now only preserved in its printed form in said paper, and no record was ever made of its passage; therefore,

Be it enacted by the General Assembly of the State of Iowa:

SECTION 1. That the said ordinance be, and the same is hereby declared valid and of full force and effect, the same as though recorded and signed as provided by law and a record had been kept of its passage.

Ordinance made valid.

SEC. 2. This act, being deemed of immediate importance, shall take effect from and after its publication in the State Register, and Charles City Intelligencer, without expense to the state.

Publication.

Approved, March 25, 1878.

I hereby certify that the foregoing act was published in the *Charles City Intelligencer*, April 4, 1878.

JOSIAH T. YOUNG, *Secretary of State.*

CHAPTER 129.

LIENS ON REAL ESTATE BY JUDGMENTS IN UNITED STATES DISTRICT AND CIRCUIT COURTS.

S. F. 47. AN ACT in Relation to Liens on Real Estate, of Judgments in the District and Circuit Courts of the United States. Amending Code, Title XVII, Chapter 9, "Of Trial and Judgment."

Be it enacted by the General Assembly of the State of Iowa:

SECTION 1. That the words "or in the district or circuit court of the United States, if rendered within this state," in section 2882 of the Code, are hereby stricken out.

SEC. 2. Judgments in the district or circuit court of the United States, if rendered in this state, may be made liens upon the real estate owned by the defendant, and also upon all he may subsequently acquire, for the period of ten years from the date of the judgment, by filing an attested copy of the judgment in the office of clerk of the state district court of the county in which the land lies; and no lien shall attach to the lands in any county of this state until the date of filing such transcript, except in the county wherein the judgment was rendered, in which case the lien shall attach from the date of such rendition.

SEC. 3. The clerk shall, on the filing of such transcript in his office, immediately proceed to docket and index the same in a separate book kept for that purpose, in the same manner as though rendered in the court of his own county, and he shall be allowed to charge and receive the same fees as provided by law for like service.

SEC. 4. When the amount due on any judgment is paid off or satisfied in full, the plaintiff, or those legally acting for him, must acknowledge satisfaction thereof in the margin of the record of the judgment, or by the execution of an instrument in writing, referring to the judgment, and have it duly acknowledged and filed in the office of the clerk of the district court in every county where the judgment is a lien. If he fails to do so within sixty days after having been requested in writing so to do, he shall forfeit to the *plaintiff*, [defendant,] the sum of fifty dollars.

Approved, March 25, 1878.

Code, § 2882,
part repealed.
Judgment
not lien at
time of rendition.
How judgment may be
made a lien.

When lien
shall attach.

Duty of clerk.

Satisfaction
of judgment.

CHAPTER 130.

INSTITUTION FOR EDUCATION OF DEAF AND DUMB.

AN ACT making Appropriations for indebtedness incurred in putting S. F. 233. in Heating Apparatus in the Deaf and Dumb Institution at Council Bluffs, and for other deficiencies.

Be it enacted by the General Assembly of the State of Iowa:

SECTION 1. That there is hereby appropriated out of any money in the state treasury not otherwise appropriated, the sum of \$2,100 for heating apparatus in the institution of the deaf and dumb, at Council Bluffs. \$2,418.69 appropriated.
Heating apparatus.

SEC. 2. For other deficiencies in said institution, the sum of \$318.69. Deficiencies.

SEC. 3. That said sums shall be paid out for the special objects herein named, upon the order of the trustees of said institution. Upon order of trustees.

SEC. 4. This act, being deemed of immediate importance shall take effect from and after its publication in the Iowa State Register and Iowa State Leader, newspapers published at Des Moines, Iowa. Publication.

Approved, March 25, 1878.

I hereby certify that the foregoing act was published in the *Iowa State Leader*, March 28, and in the *Iowa State Register*, March 29, 1878.

JOSIAH T. YOUNG, *Secretary of State*.

CHAPTER 131.

LEVY OF BRIDGE TAX IN GREENE COUNTY.

AN ACT to Legalize the levy of certain Bridge Taxes by the Board of Supervisors of Greene county, Iowa. S. F. 152.

WHEREAS, The board of supervisors of the county of Greene, at their September meeting, in the year 1875, and also in the year 1876, levied a bridge tax of four mills on the dollar of the assessed value of the property of said county, which said levies were each year one mill in excess of the amount allowed by law; and Preamble.

WHEREAS, The amounts thus levied were no greater than the best interests of the county required, and were levied in good faith, with the belief by said board of supervisors that the law authorized such levy; therefore,

Be it enacted by the General Assembly of the State of Iowa:

SECTION 1. That the levies of a bridge tax in the year 1875,

Levies of 1875
and 1876 le-
galized.

and also in the year 1876, by the board of supervisors of Greene county be and the same are hereby declared to be as legal and binding as though said levies had not exceeded the amount allowed by law.

Publication.

SEC. 2. This act, being deemed of immediate importance, shall take effect from after its publication in the Iowa State Register, a daily paper published at Des Moines, and the Jefferson Bee, a paper published at Jefferson, Iowa, without expense to the state.

Approved, March 25, 1878.

I hereby certify that the foregoing act was published in the *Jefferson Bee*, April 5, 1878.

JOSIAH T. YOUNG, *Secretary of State.*

CHAPTER 132.

ISSUANCE OF BONDS BY SCHOOL DISTRICTS TO FUND JUDGMENT INDEBTEDNESS.

H. F. 262.

AN ACT to enable School Districts to Issue Bonds for the Purpose of Funding Judgment Indebtedness now existing. Additional to Code, Title XII., Chapter 9: "Of the System of Common Schools."

Be it enacted by the General Assembly of the State of Iowa:

Judgment in-
debtedness
now existing.

SECTION 1. That any school district against which judgments have been rendered prior to the passage of this act, and which judgments remain unsatisfied, may, for the purpose of paying off such judgments and funding such judgment indebtedness, issue upon the resolution of the board of directors of the district, the negotiable bonds of such district, running not more than ten years, and bearing a rate of interest not exceeding ten per centum per annum, payable semi-annually, which bonds shall be signed by the president of the district, and countersigned by the secretary, and shall not be disposed of for less than their par value, nor for any other purpose than that provided for by this act, and such bonds shall be binding and obligatory upon the district.

Bonds.

Payment of
bonds.

SEC. 2. It shall be the duty of the board of directors of any district which shall issue bonds under this act, to provide for the payment of the same by the levy of tax therefor, in addition to the other taxes provided by law, and they are hereby required to levy such an amount each year as shall be sufficient to meet the interest on such bonds promptly as it accrues.

Form of bond
&c.

SEC. 3. The bonds issued under this act shall be in the name of the district and in substantially the same form as is by law provided for county bonds; shall be payable at the pleasure of the district; shall be registered in the office of the county auditor; shall be numbered consecutively and redeemed in the order of their issuance.

Approved, March 25, 1878.

CHAPTER 133.

SUB-DIVISION OF INDEPENDENT SCHOOL DISTRICTS.

AN ACT to provide for the Sub-division of Independent School Dis- H. F. 314.
tricts. Additional to Code, Title XII., Chapter 9: "Of the System
of Common Schools."

Be it enacted by the General Assembly of the State of Iowa:

SECTION 1. That any independent school district organized under the provisions of chapter 73 of the acts of the fourteenth general assembly may be sub-divided for the purpose of forming two or more independent school districts, or have territory detached to be annexed with other territory in the formation of independent district or districts, the districts so formed not to contain less than four government sections of land each, such division to be effected in the manner hereinafter provided. District may be divided, or part detached.

SEC. 2. At the written request of one third of the legal voters residing in any independent school district, the board of directors of said independent district shall call a meeting of the qualified electors of the independent district, at the usual place of holding their meeting, by giving at least ten days' notice thereof by posting three notices in the independent district sought to be divided, and by publication in a newspaper, if one be published in the independent district, at which meeting the electors shall vote by ballot for or against such sub-division. Election: manner of. For deciding question of division.

SEC. 3. Should a majority of the votes be cast in favor of such sub-division, the board or boards of directors shall call a meeting in each independent district so sub-divided or formed as aforesaid, for the purpose of electing by ballot three directors, who shall hold their offices one, two and three years respectively, the length of their respective terms to be determined by lot; and but one director shall be chosen annually thereafter, who shall hold his office for three years. Election of directors in new districts. Terms of office.

SEC. 4. At the meeting of the electors of each independent school district, as provided in the last section, they shall also determine by ballot the name to be given to their district, and each independent district, when so organized, shall be a body corporate, and the name so chosen shall be its corporate name; *Provided*, That the board of directors of any district organized under the provisions of this act may change its name if any other district in the township shall have chosen the same name. Naming of district. Board may change name.

SEC. 5. Independent districts organized under the provisions of this act shall be governed by the laws relating to independent districts. How governed.

Approved, March 25, 1878.

CHAPTER 134.

DISPOSITION TO BE MADE OF SWAMP LAND INDEMNITY FUND NOW
HELD BY THE TREASURER OF STATE.

H. F. 570. AN ACT to Authorize the Treasurer of State to Pay to the several Counties the amount of the Swamp Land Indemnity Fund that has been Withheld by him and his Predecessors in Office under the Provision of Section 12, Chapter 160 of the Acts of the Ninth General Assembly.

Preamble. WHEREAS, The treasurer of state has, by authority granted in section 12, chapter 160 of the acts of the ninth general assembly, retained from time to time, out of [the] swamp land cash indemnity fund belonging to the several counties of the state, and passing through his office, a percentage of said fund to reimburse the state for supposed expenses incurred in securing the payment of said cash indemnity from the United States; and,

Part of fund retained to pay expenses of State. WHEREAS, The money thus retained now lies idle in the treasury for want of lawful authority to use the same; therefore,
But never used. *Be it enacted by the General Assembly of the State of Iowa:*

And amount shall be paid to county treasurer. SECTION 1. That the treasurer of state shall pay to the treasurer of each county the amount of the swamp land indemnity fund that has been retained by him or his predecessors in office under the provision of section 12, chapter 160 of the acts of the ninth general assembly, and take a receipt therefor of said county treasurer in triplicate, one of which he shall retain in his office and file one with the auditor of state, and one with the auditor of the county receiving the money.

Disposition to be made of money by county. SEC. 2. Upon the receipt from the treasurer of state of the receipt of the county treasurer, the auditor of the county shall notify the board of supervisors at their first meeting thereafter of the amount so paid, and they shall make such disposition of the money thus received as shall be just and equitable and for the best interest of the county.

Treasurer of State shall not hereafter retain any part of fund. SEC. 3. Hereafter, on the receipt of any money from the United States in payment of cash indemnity for swamp lands, the treasurer of state shall pay to the county entitled thereto the full amount received by him for such county in accordance with the provisions of chapter 160 of the acts of the ninth general assembly, and shall not retain any part thereof to reimburse the state.

Publication. SEC. 4. This act shall take effect from and after its publication according to law.

Approved, March 25, 1878.

I hereby certify that the foregoing act was published in the *Iowa State Register*, and *Iowa State Leader*, April 4, 1878.

JOSIAH T. YOUNG, *Secretary of State.*

- CHAPTER 135.

F. D. LINDSLEY, J. P.

AN ACT to Legalize the Official Acts of F. D. Lindsley, a Justice of the H. F. 252.
Peace in and for Benton county.

WHEREAS, In January, 1875, F. D. Lindsley was duly appointed Preamble.
by the trustees of the township of Cedar to the office of justice
of the peace in and for the county of Benton, and that the said
F. D. Lindsley duly qualified as such justice of the peace as pro-
vided by law; and,

WHEREAS, The electors of said township of Cedar, in said
county of Benton, at the general election in 1875, failed and neg-
lected to elect the said F. D. Lindsley, or any other person to
said office of justice of the peace; and,

WHEREAS, The said F. D. Lindsley continued to perform and
exercise the official duties of justice of the peace, in and for said
county of Benton, from and after said general election in 1875,
until his successor was elected and qualified in January, 1877, with-
out being appointed anew by the trustees of said township of
Cedar, or qualifying anew, by giving bond or otherwise after the
general election in 1875; and,

WHEREAS, Doubts have arisen as to the legality of the official
acts of the said F. D. Lindsley, as justice of the peace in and for
said county of Benton, from and after the general election in
1875, until his successor was elected and qualified in 1877; there-
fore,

*Be it enacted by the General Assembly of the State of
Iowa:*

SECTION 1. That the official acts of F. D. Lindsley, as justice Official acts
legalized.
of the peace in and for the county of Benton, from and after the
general election in 1875, until his successor was elected and qual-
ified in January, 1877, be and the same are hereby legalized and
declared valid in all respects, the same as though the said F. D.
Lindsley had been duly elected at the general election in 1875, or
had been duly appointed and qualified as provided by law.

Approved, March 25, 1878.

CHAPTER 136.

INSTITUTION FOR EDUCATION OF DEAF AND DUMB.

S. F. 133. AN ACT to provide for the Rebuilding of the Institution for the Deaf and Dumb, and to provide for the Government of the same, and repeal a portion of Section 1685, Chapter 7, Title XII., of the Code.

Be it enacted by the General Assembly of the State of Iowa:

Board of trustees:
Term of.

SECTION 1. That the board of trustees of the institution for the deaf and dumb shall consist of three persons, to be elected by the present general assembly, one for two years, one for four years, and one for six years; and each subsequent general assembly shall elect one trustee to serve for six years. Two of said trustees shall constitute a quorum for the transaction of business. Said trustees shall enter upon the duties of their office on the first day of May in the year in which they are elected.

Teachers, &c.,
may not re-
side in the in-
stitution.

SEC. 2. And no teacher, superintendent, steward, or other employe, shall reside in the institution, or receive board, or any allowance of provision, clothing, fuel, or other supplies from the funds or supplies furnished for the support of the institution, except by arrangement made in advance with the trustees, and at and for prices that shall be just to the state.

\$40,000 appro-
priated to re-
build.

SEC. 3. There is hereby appropriated out of any funds in the treasury not otherwise appropriated, the sum of \$40,000, or so much thereof as shall be necessary, to be expended under the direction of the board of trustees for the purpose of rebuilding and completing in a plain and substantial manner the main building of the said institution; and the trustees shall cause to be utilized for this purpose so much of the material in the walls of the old main building and east wing as may be suitable for that purpose;

Limitation.

Provided, That not more than five thousand dollars of said appropriation shall be drawn from the state treasury before the first day of April, A. D., 1879.

Inmates may
be used in
any suitable
labor.

SEC. 4. The trustees shall have authority to utilize the inmates of the institution, so far as practicable without interfering with the proper education of the inmates, in any suitable labor on the farm, in the workshops, in the erection of buildings belonging to the institution, or in the domestic service of the same.

Code, § 1685,
amended.

SEC. 5. All that portion of section 1685 of the Code, after the word "trustees," in the fourth line, and all acts and parts of acts inconsistent with the provisions of this act, are hereby repealed.

\$2,000 appro-
priated for
furniture.

SEC. 6. There is further appropriated for the purchase of furniture for use of pupils in said institution, the sum of two thousand dollars, or so much thereof as may be necessary.

SEC. 7. This act, being deemed of immediate importance,

shall take effect and be in force from and after its publication in the Iowa State Register, and Iowa State Leader, newspapers published at Des Moines, Iowa. Publication.

Approved, March 25, 1878.

I hereby certify that the foregoing act was published in the *Iowa State Register* and *Iowa State Leader*, March 29, 1878

JOSIAH T. YOUNG, *Secretary of State*.

CHAPTER 137.

PENITENTIARY OF THE STATE AT FORT MADISON.

AN ACT making Appropriations for the Improvement of the Penitentiary of the State at Fort Madison. H. F. 458.

Be it enacted by the General Assembly of the State of Iowa:

SECTION 1. That there be and is hereby appropriated out of any money in the treasury, not otherwise appropriated, or so much thereof as may be necessary, for the several objects hereinafter named, to-wit: ^{\$17,850 appropriated.}

For the purpose of repairing the roof of the cell-house, the sum of one thousand five hundred dollars.

For the purpose of transportation of discharged convicts, the sum of one thousand five hundred dollars.

For the purpose of current repairs, the sum of two thousand dollars.

For the purpose of constructing a sewer to the river, the sum of eighteen hundred dollars.

For the purpose of constructing a work-shop, dining-room and chapel, the sum of ten thousand seven hundred dollars.

For purchasing a team, harness and wagon for the use of the prison, three hundred and fifty dollars (\$350).

SEC. 2. The moneys hereby appropriated for the improvement of said penitentiary shall be expended under the direction of the warden, and in accordance with plans submitted to and approved by the executive council. ^{How expended.}

SEC. 3. This act, being deemed of immediate importance, shall take effect and be in force from and after its publication in the Iowa State Register, and Iowa State Leader, newspapers published in Des Moines, Iowa. Publication.

Approved, March 25, 1878.

I hereby certify that the foregoing act was published in the *Iowa State Register*, and *Iowa State Leader*, April 4, 1878.

JOSIAH T. YOUNG, *Secretary of State*.

CHAPTER 138.

NEW CAPITOL.

Sub. H. F. 299. AN ACT making Appropriations for the Construction of the New Capitol Building, for the Purchase of a Lot, and the Construction of a Sewer therefor, and Amending Joint Resolution No. 10, of the Fourteenth General Assembly, Adjourned Session.

Be it enacted by the General Assembly of the State of Iowa:

SECTION 1. That the capitol commissioners be, and the same are hereby authorized to purchase a lot for the steam heating works; also, to construct a sewer from the capitol grounds to the Des Moines river, and there is hereby appropriated for that purpose, in addition \$10,000, or so much as may be necessary.

SEC. 2. That the commissioners are hereby authorized to change the plans of the building, as adopted August third, one thousand eight hundred and seventy-two, and are directed to construct one large dome in the center of the building, and four smaller domes on the pavilions. But the center dome shall not be constructed until an appropriation shall be made therefor by the general assembly.

SEC. 3. That joint resolution number ten (10), approved February nineteenth, one thousand eight hundred and seventy-three, be amended by striking out the word "overseer," and inserting in place thereof the word "superintendent."

SEC. 4. That there is hereby appropriated out of any money in the treasury, not otherwise appropriated, the sum of seventy-five thousand dollars, or so much thereof as may be necessary, for the purpose of finishing the roof on the state capitol building, and constructing four turrets on the corners or pavilions of said building, to be drawn during the year 1878.

Approved, March 25, 1878.

CHAPTER 139.

REFORM SCHOOL AT ELDORA.

S. F. 282. AN ACT Making Appropriations for the Boys' Reform School at Eldora.

Be it enacted by the General Assembly of the State of Iowa:

SECTION 1. That there is hereby appropriated out of any money in the state treasury, not otherwise appropriated, the following sums for the purposes herein named, to wit:

For water supply.....	\$1,500.00
For contingencies	1,000.00

SEC. 2. The money herein appropriated shall be drawn and paid on the order of the trustees of said institution at such times as may be deemed necessary by said trustees. Drawn on order of trustees.

SEC. 3. This act, being deemed of immediate importance, shall take effect and be in force from and after its publication in the Iowa State Register, and the Iowa State Leader, newspapers published at Des Moines, Iowa. Publication.

Approved, March 25, 1878.

I hereby certify that the foregoing act was published in the *Iowa State Leader*, April 1, and in the *Iowa State Register*, April 4, 1878.

JOSIAH T. YOUNG, *Secretary of State*.

CHAPTER 140.

ADDITIONAL PENITENTIARY AT ANAMOSA.

AN ACT making appropriations for the Additional Penitentiary and Stone Quarry at Anamosa. S. F. 293.

Be it enacted by the General Assembly of the State of Iowa:

SECTION 1. That there be and is hereby appropriated out of any money in the state treasury, not otherwise appropriated, for the additional penitentiary at Anamosa, the following sums, or so much thereof as may be necessary for the several objects herein-after named, to-wit: \$82,874 appropriated.

For the purpose of erecting the south wing of the cell-house in accordance with the plans and specifications heretofore adopted for said penitentiary, the sum of sixty thousand dollars. Erection of south wing.

For the purpose of purchasing tools and derricks, the sum of seven hundred and fifty dollars.

For the purpose of repairing stockade, the sum of five hundred dollars.

For the purpose of fencing sixty-five acres for a garden, seventy-four dollars.

For the purpose of purchasing lumber for seats in chapel, the sum of one hundred dollars.

For finishing chapel, the sum of one hundred and fifty dollars.

For the purchase of ten breech-loading shot-guns, the sum of two hundred dollars.

For the purchase of hay-scales, the sum of one hundred dollars. Stone quarry.

For the purpose of purchasing a stone quarry and land, being east half of southwest quarter of section 33, township 85, range 4, west 5th P. M., one thousand dollars (\$1,000); *Provided*, That the state receive a clear title to the same, and upon filing an abstract with warranty deed with executive council, the auditor of state shall draw his warrant for the same. Proviso: a clear title required.

Work shall
be done by
convicts as
far as pos-
sible.

SEC. 2. The work contemplated by section one of this act, shall be performed by the convicts, except so far as skilled mechanics are positively necessary to superintend the work. Said work, as well as the expenditure of the above appropriations, shall be subject to and in accordance with the laws in force for the government of the additional penitentiary at Anamosa, except as hereinafter named. Vouchers shall be taken and filed with the auditor of state for each and all sums expended under this act; but not more than one-third of the above sums shall be drawn or expended during the present year.

Superintend-
ent.

Compensa-
tion.

SEC. 3. The work contemplated in section one of this act, shall be carried on under the direction of a superintendent, who shall be a practical builder, to be appointed by the executive council, who shall give bond for the faithful performance of his duties, in such sum as shall be fixed by said council, and shall receive such compensation, not exceeding four dollars per day for time actually engaged in work, as the executive council may fix; and the money hereby appropriated shall be drawn only on the requisition of the warden, exhibiting in detail the items covered thereby, which shall be approved by said council before any warrant shall issue, and then in such sums only as may be actually necessary to defray the expenses of the work as it progresses. Duplicate vouchers must be taken for all moneys paid hereunder, one of which shall be filed in the office of the auditor of state.

Abstract of
title to land
on which
Penitentiary
stands.

SEC. 4. No portion of the above appropriations shall be drawn or expended until an abstract of title to the lands on which the additional penitentiary is located shall be furnished, showing to the satisfaction of the executive council of the state a perfect title in the state to said land.

Provided, That the executive council may direct said money to be drawn and expended if in their opinion the defect of title does not affect the grounds on which said building is to be erected.

Publication.

SEC. 5. This act, being deemed of immediate importance, shall take effect and be in force from and after its publication in the Iowa State Register, and Iowa State Leader, newspapers published at Des Moines, Iowa.

Approved, March 25, 1878.

I hereby certify that the foregoing act was published in the *Iowa State Register*, March 30, and in the *Iowa State Leader*, April 2, 1878.

JOSIAH T. YOUNG, *Secretary of State*.

CHAPTER 141.

PROTESTANT METHODIST CHURCH OF IOWA CITY.

AN ACT to enable the Trustees of the Protestant Methodist Church of S. F. 119.
Iowa City to Transfer Certain Property.

Be it enacted by the General Assembly of the State of Iowa:

SECTION 1. That the Protestant Methodist church of Iowa City be, and it is hereby authorized by and through its trustees, Geo. H. Van Patten, J. Norwood Clark, W. P. Doty, Cyrus Goodrich and S. L. Saunders, or their successors in office, to sell and convey by proper deeds of conveyance, at public or private sale, all that part of the northeast quarter of block sixty-six (66), in Iowa City, (according to the recorded plat of said city,) not heretofore sold and conveyed (under a like act hereto). The proceeds of such sales to be by said trustees appropriated towards the erection of a building for said church for its use as a house of worship, or towards the founding of a public library at Iowa City, as a donation to the state historical society, in order that the purposes of the original grant of said property by the act of the territory of Iowa, of January 8th, 1844, may be carried out.

SEC. 2. This act, being deemed of immediate importance, shall be in force from and after its publication in the State Leader and Des Moines Register, at Des Moines, Iowa, such publication to be without expense to the state.

Approved, March 25, 1878.

I hereby certify that the foregoing act was published in the *Iowa State Leader*, April 1, and in the *Iowa State Register*, April 11, 1878.

JOSIAH T. YOUNG, *Secretary of State*.

CHAPTER 142.

STATE NORMAL SCHOOL AT CEDAR FALLS.

AN ACT Making Appropriation for the Maintenance of the Normal School at Cedar Falls and Amending Chapter 129 of Acts of Sixteenth General Assembly. Sub. S. F. 140.

Be it enacted by the General Assembly of the State of Iowa:

SECTION 1. That the sum of thirteen thousand five hundred dollars is hereby appropriated for the maintenance of the school for teachers at Cedar Falls, for the next biennial period; to be paid in eight equal quarterly payments commencing July 1, 1878.

Tuition.

SEC. 2. Section 5 of chapter 129 of the acts of the sixteenth general assembly is hereby amended by adding thereto the following words: "But the board of directors may, in their discretion, charge the pupils with a tuition fee not exceeding six dollars per term, if such charge shall be necessary in order to the proper support of the school as provided by law.

Approved, March 25, 1878.

CHAPTER 143.

EXAMINATION OF TEACHERS.

S. F. 70.

AN ACT to Repeal Section 1766, Chapter 9, Title XII, of the Code, Relating to Examination of Teachers, and Issuing Certificates; and enacting a Substitute therefor.

Be it enacted by the General Assembly of the State of Iowa:

Code, § 1766:
Substitute
for.

County su-
perintendent
shall
meet and ex-
amine teach-
ers.

Specialists.

SECTION 1. Section 1766 of the Code is hereby repealed, and the following is enacted in lieu thereof:

Section 1766. On the last Saturday of each month, the county superintendent shall meet all persons desirous of passing an examination, and for the transaction of other business within his jurisdiction, in some suitable room provided for that purpose by the board of supervisors at the county seat, at which time he shall examine all such applicants for examination as to their competency and ability to teach orthography, reading, writing, arithmetic, geography, English grammar, physiology and history of the United States; and in making such examination, he may at his option, call to his aid one or more assistants. Teachers exclusively teaching music, drawing, penmanship, book-keeping, German or other language, shall not be required to be examined except in reference to such special branch, and in such case it shall not be lawful to employ them to teach any branch, except such as they shall be examined upon and which shall be stated in the certificate.

Approved, March 25, 1878.

CHAPTER 144.

TO PREVENT OFFICERS OF STATE INSTITUTIONS FROM BEING INTERESTED IN CONTRACTS FOR SUPPLIES.

AN ACT to prevent Trustees and other officers of State Institutions S. F. 184. from Furnishing Supplies to or being Interested in Contracts with such institutions, and to Punish the Violation of the same.

Be it enacted by the General Assembly of the State of Iowa:

SECTION 1. That it shall be unlawful for any trustee, warden, superintendent, steward, or any other officer of any educational, penal, charitable, or reformatory institution, supported in whole or in part by the state, to be interested directly or indirectly in any contract to furnish or in furnishing provisions, material, or supplies of any kind, to or for the institution of which he is an officer; and it shall be unlawful for any such trustee, warden, superintendent, steward, or other officer, directly or indirectly, to receive in money or any valuable thing any commission, percentage, discount, or rebate on any provision, material, or supplies furnished for or to any institution of which he is an officer. And it shall be unlawful for any such trustee, warden, superintendent, steward, or other officer of any state institution to be directly or indirectly interested in any contract with the state to build, repair, or furnish any institution of which he may be an officer. No officer shall be interested in furnishing supplies. Or any contract to build, &c.

SEC. 2. Any person violating the provisions of section 1 of this act shall be guilty of a misdemeanor, and on conviction thereof shall be fined not less than one hundred dollars, nor more than one thousand dollars, in the discretion of the court, or imprisoned in the county jail not exceeding one year, or both, such fine and imprisonment in the discretion of the court. Penalty.

Approved, March 25, 1878.

CHAPTER 145.

EVIDENCE IN EQUITABLE ACTIONS.

AN ACT Entitled An Act Relating to the Trial of Equitable Actions. S. F. 1. Amending Section 2742, Chapter 9, Title XVII; "Of Trial and Judgment."

Be it enacted by the General Assembly of the State of Iowa:

SECTION 1. That section 2742 of the Code be repealed and the following enacted in lieu thereof: Code, § 2742. Substitute for.

Section 2742. But in equitable actions wherein issue of fact is joined, all the evidence offered in the trial shall be taken down

Issue of fact
by written
evidence.
Depositions.

in writing, or the court may order the evidence or any part thereof to be taken in the form of depositions, or either party at pleasure may take his testimony or any part thereof by deposition. All the evidence so taken shall be certified by the judge in term or vacation, be made a part of the record and go on appeal to the supreme court, which shall try the case anew.

Approved, March 25, 1878.

CHAPTER 146.

ASYLUM FOR FEEBLE-MINDED CHILDREN.

S. F. 323.

AN ACT Making a Special Appropriation for the Asylum for Feeble-Minded Children at Glenwood, Iowa.

Be it enacted by the General Assembly of the State of Iowa:

\$2,500 appro-
priated for
deficiency.

SECTION 1. That there is hereby appropriated out of any money in the state treasury, not otherwise appropriated, the sum of twenty-five hundred dollars, for the use of the asylum for feeble-minded children at Glenwood, Iowa, for the purpose of paying off the deficiency of said institution.

Publication.

SEC. 2. This act, being deemed of immediate importance, shall take effect from and after its publication in the State Register, and State Leader, newspapers published in Des Moines, Iowa.

Approved, March 25, 1878.

I hereby certify that the foregoing act was published in the *Iowa State Register*, and *Iowa State Leader*, April 4, 1878.

JOSIAH T. YOUNG, *Secretary of State*.

CHAPTER 147.

APPROPRIATION TO PAY THE STATE MILITIA FOR SERVICES IN ANTICIPATED RIOTS.

S. F. 321.

AN ACT for the payment of the State Militia for Service in Preventing Anticipated Riots in the Year 1877.

Be it enacted by the General Assembly of the State of Iowa:

\$4,000 appro-
priated to of-
ficers and
privates.

SECTION 1. There is hereby appropriated out of any money in the state treasury not otherwise appropriated, the sum of four thousand (\$4,000) dollars, or so much thereof as may be necessary, to pay the officers, non-commissioned officers, and privates of the

companies of the state militia ordered into service by the adjutant-general, for the suppression of anticipated riots, the claims for which service have been presented to this general assembly; *Provided*, That the compensation allowed shall not exceed the sums following, viz: To captains, at the rate of fifty dollars per month; to lieutenants, forty dollars; to sergeants, sixteen dollars; other non-commissioned officers and privates, thirteen dollars, exclusive of rations, which shall not exceed thirty cents per day.

SEC. 2. The moneys appropriated by this act, shall be drawn How drawn. by warrants issued by the auditor of state in favor of the officer in command of each company entitled, who shall make payment to the members of his company: *Provided*, That before any warrant shall issue, a receipted pay-roll for each company shall be filed with the auditor of state, showing the names and rank of each member of the company, and the exact number of days actually served by such member, which shall be accompanied by an affidavit of such commanding officer, that each and every member so enrolled was actually in the exclusive service of the state for the time therein reported: *And, Provided*, That no pay shall be allowed for more than five days, being the time between the date of the order calling them out, and the order relieving them.

Proviso:
Pay-roll to be
filed with au-
ditor of State.

SEC. 3. This act, being deemed of immediate importance, shall Publication. take effect from and after its publication in the Daily State Register, and Daily State Leader, newspapers published at Des Moines, Iowa.

Approved, March 25, 1878.

I hereby certify that the foregoing act was published in the *Iowa State Register*, and *Iowa State Leader*, April 4, 1878.

JOSIAH T. YOUNG, *Secretary of State*.

CHAPTER 148.

HOSPITAL FOR THE INSANE AT MOUNT PLEASANT.

AN ACT Making Appropriations for the Iowa Hospital for the Insane, S. F. 136.
at Mt. Pleasant.

Be it enacted by the General Assembly of the State of Iowa:

SECTION 1. That there is hereby appropriated out of any \$19,800 appro- moneys in the treasury not otherwise appropriated, the following priated. sums for the purposes herein named, viz: For completion of new building, five thousand dollars, (\$5,000.00); for water pipe, one thousand dollars, (\$1,000.00); for kitchen furniture, eight hundred dollars, (\$800.00); for contingencies, fifteen hundred dollars,

(\$1,500.00); for fitting up laboratory, fifteen hundred dollars, (\$1,500.00); for re-construction of rear center, and mangles, ten thousand dollars, (\$10,000.00).

How drawn. SEC. 2. The money herein appropriated shall be drawn and paid on the order of the trustees of said hospital, at such times as may be deemed necessary by said trustees:

Provided, That any money remaining unexpended after the completion of the improvement for which the same is herein appropriated may be used as far as necessary for any of the purposes specified in this act.

Publication. SEC. 3. This act, being deemed of immediate importance, shall take effect and be in force from and after its publication in the Iowa State Register, a newspaper published at Des Moines, and the Mt. Pleasant Journal, a newspaper published at Mount Pleasant.

Approved, March 25, 1878.

I hereby certify that the foregoing act was published in the *Iowa State Register*, April 3, and in the *Mount Pleasant Journal*, April 4, 1878.

JOSIAH T. YOUNG, *Secretary of State*.

CHAPTER 149.

ADDITIONAL PENITENTIARY AT ANAMOSA.

H. F. 577. AN ACT Providing for the Employment of One Guard for every Eight Prisoners at the Anamosa Penitentiary.

Be it enacted by the General Assembly of the State of Iowa:

One guard for eight prisoners. SECTION 1. That the warden of the additional penitentiary at Anamosa, may employ guards for the care of convicts not exceeding one guard for every eight prisoners.

Repealing clause. SEC. 2. All acts and parts of acts in conflict with this act are hereby repealed.

Publication. SEC. 3. This act, being deemed of immediate importance, shall take effect and be in force from and after its publication in the Register and Leader, newspapers published in Des Moines, Iowa.

Approved, March 25, 1878.

I hereby certify that the foregoing act was published in the *Iowa State Register*, and *Iowa State Leader*, April 4, 1878.

JOSIAH T. YOUNG, *Secretary of State*.

CHAPTER 150.

CITY OF VINTON.

AN ACT to legalize the Revised Ordinances of the City of Vinton. H. F. 520.

WHEREAS, The city council of the city of Vinton, in this state, Preamble.
on the first day of March, A. D., 1878, passed a revision of the
ordinances of said city entitled, "Revised Ordinances of the city
of Vinton, Iowa," as appears by the official record of the pro-
ceedings of said city council, and the record of said revision upon
the ordinance book of said city, to take effect from and after the
taking effect of an act of the general assembly of the state of
Iowa legalizing the same:

Now lest at any time doubt should arise as to the binding force
of said revised ordinances, or either of them, and to cure any
defect in the manner of the passage or adoption thereof, and to
dispense with any further publication thereof in newspaper or
otherwise, therefore,

*Be it enacted by the General Assembly of the State of
Iowa:*

SECTION 1. That the revised ordinances of the city of Vinton Revised ordi-
nances legal-
ized.
above mentioned are and each of them hereby is declared to be
as fully legal, valid, and binding as the same would or could be
if the entitling, passage, publication, recording, signing, and re-
vision thereof could not be questioned, but were in every respect
fully in conformity with law.

SEC. 2. This act, being deemed of immediate importance, shall Publication.
take effect and be in force from and after its publication, without
expense to the state, in the Daily State Register, published in Des
Moines, Iowa, and in the Vinton Eagle, and the People's Journal,
newspapers published in Vinton, Iowa.

Approved, March 25, 1878.

I hereby certify that the foregoing act was published in the *Vinton
Eagle*, April 3, and in the *People's Journal*, published at Vinton, April 5,
1878.

JOSIAH T. YOUNG, *Secretary of State.*

CHAPTER 151.

APPROPRIATION FOR SUPPLIES FURNISHED THE STATE.

H. F. 546. AN ACT Making an Appropriation to Mills & Co., for Supplies Furnished to the State.

Be it enacted by the General Assembly of the State of Iowa:

SECTION 1. That there is hereby appropriated out of any money in the state treasury not otherwise appropriated, the sum of three hundred and eighty-two (382) dollars, in payment to Mills & Co., for supplies furnished the General Assembly.

SEC. 2. This act, being deemed by the general assembly of immediate importance, shall take effect and be in force from and after its publication in the Iowa State Register, and Iowa State Leader, newspapers published in Des Moines, Iowa, and the auditor shall issue warrants to them for the amount.

Approved, March 25, 1878.

I hereby certify that the foregoing act was published in the *Iowa State Register*, March 29, and in the *Iowa State Leader*, March 30, 1878.

JOSIAH T. YOUNG, *Secretary of State*.

CHAPTER 152.

RE-LOCATION OF RAILROADS.

H. F. 568. AN ACT to Exempt Certain Railroads from the Operation of Section 7, of Chapter 118, of the Laws of the Sixteenth General Assembly.

Be it enacted by the General Assembly of the State of Iowa:

SECTION 1. That the provisions of section seven, (7) of chapter 118, of the laws of the sixteenth general assembly, shall not apply to any railroad which has its initial point at any town upon the Mississippi river, and which had in the year 1859, sixty-three miles and no more of completed track from such initial point, and provided that the exemption from the provisions of said section shall only apply a distance of sixty-three miles from the initial point of any such railroad.

SEC. 2. This act, being deemed of immediate importance, shall be in force and effect from and after its publication in the Daily Register, and Daily Leader, newspapers published at Des Moines, Iowa.

Approved, March 25, 1878.

I hereby certify that the foregoing act was published in the *Iowa State Register*, and *Iowa State Leader*, April, 4, 1878.

JOSIAH T. YOUNG, *Secretary of State*.

CHAPTER 153.

APPROPRIATION FOR COMMITTEE ROOM RENT.

AN ACT Appropriating money for the Use of Rooms Occupied by Committees. H. F. 564.

Be it enacted by the General Assembly of the State of Iowa:

SECTION 1. That there is hereby appropriated out of any ^{\$48 appropriated to Capital City Hotel.} money in the state treasury not otherwise appropriated, the sum of forty-eight dollars, to be paid to Dean, present occupant of "Capital City Hotel," for the use of rooms for meetings of committees.

SEC. 2. This act, being deemed of immediate importance, shall ^{Publication.} be in force from and after its publication in the Daily Iowa Register, and Daily Iowa State Leader, newspapers published in Des Moines, Iowa.

Approved, March 25, 1878.

I hereby certify that the foregoing act was published in the *Iowa State Register*, April 4, and in the *Iowa State Leader*, April 5, 1878.

JOSIAH T. YOUNG, *Secretary of State*,

CHAPTER 154.

BONDING OF COUNTY INDEBTEDNESS.

AN ACT to Amend Chapter 125, Acts of the Sixteenth General Assembly, Relating to the Bonding of County Indebtedness. H. F. 207.

Be it enacted by the General Assembly of the State of Iowa:

SECTION 1. That chapter 125 of the laws of the sixteenth general assembly be amended as follows: Strike out of the fourth line of said chapter the figures "1876," and insert the figures ^{Chapter 125, 16th G. A. Amended. May fund debt existing Jan. 1, 1878.} "1878;" and strike out the figures 1876 in the fifth line of said chapter, and insert the figures 1878.

SEC. 2. This act being deemed of immediate importance, shall ^{Publication.} take effect from and after its publication in the Iowa State Register, and Iowa State Leader, newspapers published at Des Moines, Iowa.

Approved, March 25, 1878.

I hereby certify that the foregoing act was published in the *Iowa State Register* and *Iowa State Leader*, March 28, 1878.

JOSIAH T. YOUNG, *Secretary of State*.

CHAPTER 155.

PROVIDING FOR THE BETTER SECURITY OF THE REVENUE.

H. F. 530.

AN ACT entitled an Act for the Better Security of the Revenue, Regulating the Duties of County Treasurers, Boards of Supervisors and State Treasurer in relation to the same, and Amending Section 912, Chapter 3, Title VI. of the Code.

Be it enacted by the General Assembly of the State of Iowa:

SECTION 1. That section 912 of the Code be, and the same is amended, to read as follows:

Code, § 912,
amended.

Penalty for
loaning pub-
lic funds.
Except by or-
der of board
of supervis-
ors.

Section 912. County treasurers shall be liable to a like fine for loaning out, or in any manner using for private purposes, state, county or other funds in their hands, except that whenever permitted by the boards of supervisors of their respective counties, by resolution entered of record, they may deposit any such funds in any bank or banks chartered by the laws of the state, or any national or private banks in this state, to any amount not exceeding an amount to be fixed by such resolution;

Proviso:
Bank to re-
ceive deposit
shall file
bond.

Providing, That before any such deposit is made the bank in which it is proposed to make the same shall first file a bond with sureties to be approved by the treasurer and the board of supervisors in double the maximum amount permitted to be deposited as aforesaid, and conditioned to hold the treasurer making the deposits of the county harmless from all loss by reason of such deposit or deposits, said bond shall be filed with the county auditor, and action may be brought thereon either by said treasurer or the county, as the board of supervisors may elect. And the state treasurer shall be liable to a fine of not more than ten thousand dollars for a like misdemeanor, to be prosecuted by the attorney-general in the name of the state. But nothing done under the provisions of this act shall alter or affect the liability of the treasurer or the securities on his official bonds.

State treas-
urer.

Approved, March 25, 1878.

CHAPTER 156.

PROTECTION OF GAME.

H. F. 368.

AN ACT to repeal Sections 4048, 4049, 4050 and 4051, Chapter 11, Title XXIV, of the Code, Chapter 69 of the Public Laws of the Fifteenth General Assembly, and Chapter 122 of the Laws of the Sixteenth General Assembly, in Relation to the Protection of Game, and to Enact a Substitute in lieu Thereof.

Be it enacted by the General Assembly of the State of Iowa:

SECTION 1. That sections 4048, 4049, 4050, and 4051 of the

Code, chapter 69, of the public laws of the fifteenth general assembly, and chapter 122, of the laws of the sixteenth general assembly be repealed and the following enacted in lieu thereof:

SEC. 2. It shall be unlawful for any person within this state to shoot or kill any pinnated grouse or prairie chicken between the first day of December, and the first day of September next following; any woodcock between the first day of January, and the tenth day of July; any ruffed grouse or pheasant, wild turkey or quail, between the first day of January, and the first day of October; any wild duck or snipe, goose or brant, between the first day of May, and the fifteenth day of August; or any wild deer, elk or fawn, between the first day of January, and the first day of September.

SEC. 3. It shall be unlawful for any person, at any time, or at any place within this state to shoot or kill for traffic any pinnated grouse or prairie chicken, snipe, woodcock, quail, ruffed grouse or pheasant; or for any one person to shoot or kill during any one day, more than twenty-five of either kind of said named birds; or for any one person, firm or corporation, to have more than twenty-five of either kind of said named birds in his or their possession at any one time, unless lawfully received for transportation; or to catch or take, or attempt to catch or take, with any trap, snare or net, any of the birds or animals named in section two (2) of this act, or in any manner wilfully to destroy the eggs or nests of any of the birds hereby intended to be protected from destruction.

SEC. 4. It shall be unlawful for any person to kill, trap or ensnare, any beaver, mink, otter, or muskrat, between the first day of April and the the first day of November, except where such killing, trapping, or snaring may be for the protection of private property.

SEC. 5. It shall be unlawful for any person, company or corporation, to buy or sell, or have in possession any of the birds or animals named in section two (2) of this act during the period when the killing of such bird or animal is prohibited by said section two (2) except during the first five days of such prohibited period: and the having in possession by any person, company, or corporation of any such birds or animals during such prohibited period except during the first five days thereof, shall be deemed *prima facie* evidence of a violation of this act.

SEC. 6. It shall be unlawful for any person, company or corporation at any time to ship, take, or carry out of this state any of the birds or animals named in section two (2) of this act; but it shall be lawful for any person to ship to any person within this state, any game birds, named in said section two (2) not to exceed one dozen in number in any one day, during the period, when by this act the killing of such birds is not prohibited: *Provided*, He shall first make an affidavit before some person authorized to administer oaths, that said birds have not been unlawfully killed, bought, sold or had in possession, are not being shipped for sale or profit, giving the name and post-office address of the person to whom shipped and the number of birds to be so shipped. A copy of such affidavit, endorsed, "A true copy of the

Repealed:
Code, §§ 4048,
4049, 4050, and
4051: Chapter
60, public acts
15th G. A.,
and Chapter
122, 16th G. A.
Killing of cer-
tain game at
certain sea-
sons punish-
ed.

Killing of cer-
tain game at
any time pun-
ished.

Trapping
beaver, &c.

Unlawful to
have in pos-
session cer-
tain birds at
certain sea-
sons.

Shipping of
birds out of
the State pro-
hibited.

original," by the person administering the oath, shall be furnished by him to the affiant, who shall deliver the same to the railroad agent or common carrier receiving such birds for transportation, and the same shall operate as a release to such carrier or agent from any liability in the shipment or carrying of such birds.

The original affidavit shall be retained by the officer taking the same, and may be used as evidence in any prosecution for violation of this act. Any person swearing falsely to any material fact of said affidavit, shall be guilty of perjury, and punished accordingly.

Penalty for violation of this act.

SEC. 7. If any person shall kill, trap, ensnare, buy, sell, ship, or have in possession, or ship, take, or carry out of the state, contrary to the provisions of this act, any of the birds or animals named in this act, or shall wilfully destroy any eggs or nests of birds named in this act, shall be punished by a fine of ten dollars for each bird, beaver, mink, otter or muskrat; twenty-five dollars for each wild deer, elk or fawn, and ten dollars for each nest or the eggs therein, so killed, trapped, ensnared, bought, sold, shipped, had in possession, destroyed or shipped, taken or carried out of the state, and shall stand committed to the county jail for thirty days unless such fine and costs of prosecution are sooner paid.

Penalty against rail-ways, &c., who shall transport.

SEC. 8. If any railway, express company, or other common carrier, or any of their agents or servants, knowingly receive any of the above mentioned birds or animals for transportation or other purpose, during the periods hereinbefore limited and prohibited, or at any other time except in the manner provided in section six (6) of this act, they shall be punished by a fine of not less than one hundred nor more than three hundred dollars, or by imprisonment in the county jail for thirty days, or by both such fine and imprisonment.

Penalty for using swivel gun or poison.

SEC. 9. If any person shall shoot or kill any wild duck, goose, or brant, with any swivel gun, or any kind of gun except such as is commonly shot from the shoulder; or shall use medicated or poisoned food to capture or kill any of the birds named in this act, he shall be deemed guilty of a misdemeanor, and upon conviction shall be fined twenty-five dollars for each offense, and shall stand committed to the county jail for thirty days, unless such fine and the costs of prosecution are sooner paid.

Where prosecution may be brought.

SEC. 10. Prosecutions for violations of this act may be brought either in the county in which the offense was committed or in any other county where the person, company or corporation complained of has had or has in his or their possession any birds or animals herein named, bought, sold, killed, trapped or ensnared, in violation of any of the provisions of this act.

Court to appoint attorney to manage prosecution.

SEC. 11. In all prosecutions under this act the court before whom the same is brought shall appoint some attorney-at-law for the purpose of managing the prosecution of the cause, and such attorney shall be entitled to a fee of ten dollars in each and every case in which he is so appointed, and the person filing an information under this act shall, in case of conviction, be entitled to a fee equal to one half of the amount of the fine imposed on each

Fee.

conviction, and both the fee of such attorney and the informant shall be taxed as costs in the case against the person convicted. Fee to informant.

Provided, That the county shall in no case be held liable for said attorney's fee or penalty.

SEC. 12. All acts and parts of acts inconsistent with this act are hereby repealed. Repealing clause.

SEC. 13. This act, being deemed of immediate importance, shall take effect and be in force from and after its publication in the Daily State Register, and Daily State Leader, newspapers published at Des Moines, Iowa. Publication.

Approved, March, 25, 1878.

I hereby certify that the foregoing act was published in the *Iowa State Register*, and *Iowa State Leader*, March 28, 1878.

JOSIAH T. YOUNG, *Secretary of State*.

CHAPTER 157.

VOTING AID IN CONSTRUCTION OF RAILROADS.

AN ACT Am:ndatory to Section 2, Chapter 123, of the Acts of the Sixteenth General Assembly, relating to Townships and Incorporated Towns and Cities, to aid in the construction of Railroads. H. F. 286.

Be it enacted by the General Assembly of the State of Iowa :

SECTION 1. That section 2, chapter 123, of the acts of the sixteenth general assembly, be and the same is hereby amended by striking out the words "two-thirds" in the twenty-fifth line of said section and inserting in lieu thereof "a majority." § 2, chapter 123, 16th G. A.: amended. A majority may vote aid.

SEC. 2. This act, being deemed of immediate importance, shall take effect and be in force after its publication in the Council Bluffs Daily Nonpareil, and the Daily State Register, newspapers published in the state of Iowa. Publication.

Approved, March 25, 1878.

I hereby certify that the foregoing act was published in the *Iowa State Register*, March 27, and in the *Council Bluffs Daily Nonpareil*, March 28, 1878.

JOSIAH T. YOUNG, *Secretary of State*.

CHAPTER 158.

JAMES D. CARSON, J. P.

AN ACT to Iegalize the Official Acts of James D. Carson, as Justice of the Peace. H. F. 576.

WHEREAS, James D. Carson was duly qualified as a justice of Preamble.

CHAPTER 161.

REPRESENTATIVE APPORTIONMENT.

Sub. H. F. 271, AN ACT Apportioning the State into Representative Districts and Declaring the ratio of Representation.

Be it enacted by the General Assembly of the State of Iowa:

Ratio of apportionment.	SECTION 1. That one representative for every fourteen thousand one hundred inhabitants in each representative district, is hereby declared and constituted the ratio of apportionment.
Lee, 2 representatives	2. 33,914. SEC. 2. Lee county shall be the first district, and entitled to two representatives.
Des Moines, 2.	2. 35,106. SEC. 3. Des Moines county shall be the second district, and entitled to two representatives.
Henry, 2.	2. 21,594. SEC. 4. Henry county shall be the third district, and entitled to two representatives.
Jefferson.	1. 17,127. SEC. 5. Jefferson county shall be the fourth district, and entitled to one representative.
Van Buren.	1. 16,980. SEC. 6. Van Buren county shall be the fifth district, and entitled to one representative.
Wapello, 2.	2. 23,865. SEC. 7. Wapello county shall be the sixth district, and entitled to two representatives.
Davis.	1. 15,757. SEC. 8. Davis county shall be the seventh district, and entitled to one representative.
Monroe.	1. 12,711. SEC. 9. Monroe county shall be the eighth district, and entitled to one representative.
Appanoose.	1. 17,405. SEC. 10. Appanoose county shall be the ninth district, and entitled to one representative.
Lucas.	1. 11,725. SEC. 11. Lucas county shall be the tenth district, and entitled to one representative.
Wayne.	1. 13,978. SEC. 12. Wayne county shall be the eleventh district, and entitled to one representative.
Clarke.	1. 10,118. SEC. 13. Clarke county shall be the twelfth district, and entitled to one representative.
Decatur.	1. 13,249. SEC. 14. Decatur county shall be the thirteenth district, and entitled to one representative.
Union.	1. 8,827. SEC. 15. Union county shall be the fourteenth district, and entitled to one representative.
Ringgold.	1. 7,546. SEC. 16. Ringgold county shall be the fifteenth district, and entitled to one representative.
Adams.	1. 7,772. SEC. 17. Adams county shall be the sixteenth district, and entitled to one representative.
Taylor.	1. 10,418. SEC. 18. Taylor county shall be the seventeenth district, and entitled to one representative.
Montgomery.	1. 10,839. SEC. 19. Montgomery county shall be the eighteenth district, and entitled to one representative.
Page.	1. 14,274. SEC. 20. Page county shall be the nineteenth district, and entitled to one representative.

1. 10,555. SEC. 21. Mills county shall be the twentieth dis- Mills.
trict, and entitled to one representative.

1. 13,719. SEC. 22. Fremont county shall be the twenty-first Fremont.
district, and entitled to one representative.

2. 21,665. SEC. 23. Pottawattamie county shall be the Pottawatta-
twenty-second district, and entitled to two representatives. mie, 2.

1. 10,552. SEC. 24. Cass county shall be the twenty-third Cass.
district, and entitled to one representative.

1. 16,030. SEC. 25. Madison county shall be the twenty- Madison.
fourth district, and entitled to one representative.

1. 18,528. SEC. 26. Warren county shall be the twenty-fifth Warren.
district, and entitled to one representative.

2. 24,094. SEC. 27. Marion county shall be the twenty-sixth Marion, 2.
district, and entitled to two representatives.

2. 23,718. SEC. 28. Mahaska county shall be the twenty- Mahaska, 2.
seventh district, and entitled to two representatives.

1. 20,488. SEC. 29. Keokuk county shall be the twenty- Keokuk.
eighth district, and entitled to one representative.

1. 19,269. SEC. 30. Washington county shall be the twenty- Washington.
ninth district, and entitled to one representative.

1. 12,499. SEC. 31. Louisa county shall be the thirtieth dis- Louisa.
trict, and entitled to one representative.

2. 21,623. SEC. 32. Muscatine county shall be the thirty- Muscatine, 2.
first district, and entitled to two representatives.

3. 39,736. SEC. 33. Scott county shall be the thirty-second Scott, 3.
district, and entitled to three representatives.

1. 17,879. SEC. 34. Cedar county shall be the thirty-third Cedar.
district, and entitled to one representative.

2. 24,654. SEC. 35. Johnson county shall be the thirty- Johnson, 2.
fourth district, and entitled to two representatives.

1. 17,456. SEC. 36. Iowa county shall be the thirty-fifth Iowa.
district, and entitled to one representative.

1. 16,482. SEC. 37. Poweshiek county shall be the thirty- Poweshiek.
sixth district, and entitled to one representative.

2. 24,128. SEC. 38. Jasper county shall be the thirty-sev- Jasper, 2.
enth district, and entitled to two representatives.

2. 31,558. SEC. 39. Polk county shall be the thirty-eighth Polk, 2.
district, and entitled to two representatives.

1. 14,386. SEC. 40. Dallas county shall be the thirty-ninth Dallas.
district, and entitled to one representative.

1. 9,638. SEC. 41. Guthrie county shall be the fortieth dis- Guthrie.
trict and entitled to one representative.

1. 11,818. SEC. 42. Harrison county shall be the forty-first Harrison.
district, and entitled to one representative.

1. 17,351. SEC. 43. Boone county shall be the forty-second Boone.
district, and entitled to one representative.

1. 13,311. SEC. 44. Story county shall be the forty-third Story.
district, and entitled to one representative.

1. 19,629. SEC. 45. Marshall county shall be the forty-fourth Marshall.
district, and entitled to one representative.

1. 18,771. SEC. 46. Tama county shall be the forty-fifth Tama.
district, and entitled to one representative.

2. 22,807. SEC. 47. Benton county shall be the forty-sixth district, and entitled to two representatives.
- Benton, 2.
2. 31,815. SEC. 48. Linn county shall be the forty-seventh district, and entitled to two representatives.
- Linn, 2.
1. 19,166. SEC. 49. Jones county shall be the forty-eighth district, and entitled to one representative.
- Jones.
2. 34,295. SEC. 50. Clinton county shall be the forty-ninth district, and entitled to two representatives.
- Clinton, 2.
2. 23,062. SEC. 51. Jackson county shall be the fiftieth district, and entitled to two representatives.
- Jackson, 2.
3. 43,845. SEC. 52. Dubuque county shall be the fifty-first district, and entitled to three representatives.
- Dubuque, 3.
1. 16,890. SEC. 53. Delaware county shall be the fifty-second district, and entitled to one representative.
- Delaware.
1. 17,315. SEC. 54. Buchanan county shall be the fifty-third district, and entitled to one representative.
- Buchanan.
2. 22,913. SEC. 55. Black Hawk county shall be the fifty-fourth district, and entitled to two representatives.
- Black Hawk, 2.
1. 8,134. SEC. 56. Grundy county shall be the fifty-fifth district, and entitled to one representative.
- Grundy.
1. 15,010. SEC. 57. Hardin county shall be the fifty-sixth district, and entitled to one representative.
- Hardin.
1. 7,701. SEC. 58. Hamilton county shall be the fifty-seventh district, and entitled to one representative.
- Hamilton.
1. 13,114. SEC. 59. Webster county shall be the fifty-eighth district, and entitled to one representative.
- Webster.
1. 8,568. SEC. 60. Woodbury county shall be the fifty-ninth district, and entitled to one representative.
- Woodbury.
1. 11,734. SEC. 61. Butler county shall be the sixtieth district, and entitled to one representative.
- Butler.
1. 13,220. SEC. 62. Bremer county shall be the sixty-first district, and entitled to one representative.
- Bremer.
1. 20,518. SEC. 63. Fayette county shall be the sixty-second district, and entitled to one representative.
- Fayette.
2. 27,184. SEC. 64. Clayton county shall be the sixty-third district, and entitled to two representatives.
- Clayton, 2.
1. 19,168. SEC. 65. Allamakee county shall be the sixty-fourth district, and entitled to one representative.
- Allamakee.
2. 24,233. SEC. 66. Winneshiek county shall be the sixty-fifth district, and entitled to two representatives.
- Winneshiek, 2.
1. 7,875. SEC. 67. Howard county shall be the sixty-sixth district, and entitled to one representative.
- Howard.
1. 11,400. SEC. 68. Chickasaw county shall be the sixty-seventh district, and entitled to one representative.
- Chickasaw.
1. 11,523. SEC. 69. Mitchell county shall be the sixty-eighth district, and entitled to one representative.
- Mitchell.
1. 13,100. SEC. 70. Floyd county shall be the sixty-ninth district, and entitled to one representative.
- Floyd.
1. 9,734. SEC. 71. Plymouth, Sioux and Lyon counties shall be the seventieth district, and entitled to one representative.
- Plymouth, Sioux, and Lyon.
1. 12,799. SEC. 72. Monona, Crawford, and Ida counties

shall be the seventy-first district, and entitled to one representative. Monona, 5,967; Crawford, 6,038; Ida, 794.

1. 12,924. SEC. 73. Cherokee, Buena Vista, Pocahontas, and Sac counties shall be the seventy second district, and entitled to one representative. Cherokee, 4,245; Buena Vista, 3,561; Pocahontas, 2,245; Sac, 2,873.

1. 15,973. SEC. 74. Greene, Carroll, and Calhoun counties shall be the seventy-third district, and entitled to one representative. Greene, 7,028; Carroll, 5,760; Calhoun, 3,185.

1. 15,079. SEC. 75. Adair, Audubon, and Shelby counties shall be the seventy-fourth district, and entitled to one representative. Adair, 7,045; Audubon, 2,370; Shelby, 5,664.

1. 9,444. SEC. 76. Clay, Osceola, O'Brien, and Dickinson counties shall be the seventy-fifth district, and entitled to one representative. Clay, 3,569; Osceola, 1,778; O'Brien, 2,349; Dickinson, 1,748.

1. 11,391. SEC. 77. Emmet, Palo Alto, Kossuth, and Humboldt counties shall be the seventy sixth district, and entitled to one representative. Emmet, 1,436; Palo Alto, 2,735; Kossuth, 3,765; Humboldt, 3,455.

1. 12,621. SEC. 78. Wright, Winnebago, Hancock, and Worth counties shall be the seventy-seventh district, and entitled to one representative. Wright, 3,244; Winnebago, 2,987; Hancock, 1,482; Worth, 4,908.

1. 13,243. SEC. 79. Cerro Gordo and Franklin counties shall be the seventy-eighth district, and entitled to one representative. Cerro Gordo, 6,685; Franklin, 6,558.

Approved, March 26, 1878.

CHAPTER 162.

CONSTRUCTION OF SEWERS IN CITIES OF THE FIRST CLASS.

AN ACT to authorize Cities of the First Class to Provide for the Construction of Sewers. Additional to Code, Chapter 10, Title IV.: Concerning "Cities and Incorporated Towns." H. F. 109.

Be it enacted by the General Assembly of the State of Iowa:

SECTION 1. That all cities of the first class in the state which have not commenced a general system of sewerage by the levy and expenditure of any tax therefor under the provisions of chapter 107, acts of the sixteenth general assembly, may provide by ordinance for the construction of sewers, or may divide the city into sewerage districts in such manner as the council may determine, and pay the cost of constructing same out of the general revenue of the city, or assess the cost upon the adjacent property, or may levy a certain sewerage tax within the sewerage district, City may provide for construction of sewers. Sewerage districts. Sewerage tax.

out of which to pay for the construction of the same, which sewerage tax shall not exceed in any one year, two mills on the dollar of the assessed value of the property within such district, or may pay a part of the cost of such construction out of the general revenue, a part by the assessment of adjacent property, and a part by levying a tax upon all the property within the sewerage district, or may pay for the same by pursuing any two of the methods herein named.

Bids for work to be taken by city council. SEC. 2. It shall be the duty of such city council to require the work of constructing such sewers to be done under contract therefor, to be entered into with the lowest responsible bidder, and bonds with surety for the faithful performance of such work shall be required to be given by the contractors; *Provided*, That all bids for such work may be rejected by such council if by them thought to be exorbitant and new bids ordered.

Tax shall be a lien. SEC. 3. All special tax levied for the construction of sewers under this act shall be payable by the owners personally at the time of such assessment, and shall also be a lien upon the lots and lands so assessed and shall bear such rate of interest, and **Tax sales.** the said property assessed may be sold for the payment thereof, in the same manner at any regular or adjourned sale or special sale called therefor, with the same forfeitures, penalties and right of redemption and certificates and deeds on such sales shall be made in the same manner and with like effect as in case of sales for non-payment of the ordinary annual taxes of such cities respectively, as now or hereafter provided by law in respect thereto, or the city council may provide by ordinance for the sale of such assessed property at a special tax sale to be called therefor, after giving notice therefor three consecutive weeks in one of the newspapers published in said city; the last of which publications shall be at least ten days before the day of sale.

Mode of assessment. SEC. 4. Such city council may provide by ordinance for the particular mode of making and returning the assessments hereinbefore authorized, and payment of such assessments may, if so directed by said council, be enforced by suit in court, in the manner and by the proceedings provided for by sections 478, 479 and 481 of the Code.

Powers conferred in Code, § 465, not impaired. SEC. 5. Nothing in this act contained shall take away, impair or interfere with the powers conferred by section 465 of the Code, for the construction of sewers, and payment therefor in whole as therein provided.

Cross sewers. SEC. 6. The city council shall have power to provide, by ordinance, terms and conditions on which cross sewers may be attached to, or connected with main sewers; and in cases where sewers have been constructed in whole or in part by special assessment, may pay unto the parties who have been so assessed, the money, or a part thereof charged and collected for the privilege of attaching such cross sewers.

Chapter 54, 16th G. A., not affected. SEC. 7. *Provided*, That nothing in this section shall be held or taken to repeal, impair or in any manner affect chapter 54, acts of the sixteenth general assembly, or any provision thereof.

SEC. 8. This act, being deemed by the general assembly of

immediate importance, shall be in force and take effect from and after its publication in the Des Moines State Leader and Des Moines State Register, newspapers published at Des Moines, Iowa, without expense to the state.

Approved, March 26, 1878.

I hereby certify that the foregoing act was published in the *Iowa State Register* and *Iowa State Leader*, March 28, 1878.

JOSIAH T. YOUNG, *Secretary of State*.

CHAPTER 163.

ROCK ISLAND ARSENAL BRIDGE.

AN ACT to cede to the United States exclusive Jurisdiction over the H. F. 564.
Rock Island Arsenal Bridge across the Mississippi river at Davenport, Iowa.

WHEREAS, The government of the United States has caused to be erected across the Mississippi river at the city of Davenport, Iowa, a wagon and railroad bridge, connecting the Iowa shore with the Rock Island Arsenal; and

WHEREAS, The abutments and the wagon approach to said bridge on the Iowa shore, are located in public streets, and on the bank of said river in the said city of Davenport, by the consent of the municipal authorities of said city; therefore,

Be it enacted by the General Assembly of the State of Iowa:

[SECTION 1.] That exclusive jurisdiction is hereby ceded to the United States over that part of the Rock Island Arsenal Bridge across the Mississippi river at Davenport, Iowa, which is north of the middle of the main channel of the said river, and also over the plat of ground occupied by the abutments and the wagon approach to the north end of said bridge, more particularly described as follows, viz:

Exclusive jurisdiction over part ceded to the United States

Bounded on the east by a straight line beginning at the easternmost point of the masonry of the most northern abutment supporting the shore span of the railroad part of said bridge in the city of Davenport, Iowa, and running thence in a south-easterly direction to low water mark of the Mississippi river so as to pass three (3) feet to the eastward of the easternmost part of the masonry of the other abutment of said bridge; on the west by a straight line beginning at the westernmost point of the masonry of the said most northern abutment supporting the shore span of the railroad part of said bridge, and running thence in a south-westerly direction to low water mark of the Mississippi river, so as to pass three (3) feet to the westward of the westernmost part of the masonry of the other abutment of said bridge; on the south by the line of low water of the Mississippi river,

and on the north by the northern line of the masonry of the northern abutment of said bridge, so as to include the ground on which the abutment stands.

Exceptions. *Provided*, however, that so much of said public streets as are occupied by said wagon approach shall be forever kept and maintained as a public highway without expense to the said city of Davenport; and: *Provided further*, That this act shall not be held or construed to add to, diminish or prejudice any rights or privileges now held by any railroad company to use said approach for the purposes of a railroad track.

Nor shall the jurisdiction hereby conceded be held or construed to impair, prejudice or *effect* [affect] the right of the city of Davenport, or any other taxing power, to assess and collect taxes upon any franchise, right-of-way, or other property, or privilege, which any railroad company may now or hereafter have, hold or possess in said bridge.

Approved, March 26, 1878.

CHAPTER 164.

ACKNOWLEDGMENTS OF DEEDS BY CERTAIN OFFICERS.

H. F. 411. AN ACT to Legalize the Acknowledgments of Deeds by Deputy Clerks of Court, County Auditors and Deputy County Auditors.

Be it enacted by the General Assembly of the State of Iowa:

Legalized. SECTION 1. That all acknowledgments of deeds, heretofore taken and certified by any deputy clerk of court, county auditor or deputy county auditor within this state, be and the same are hereby declared to be legal and valid in law and equity.

Approved, March 26, 1878.

CHAPTER 165.

RE-ESTABLISHING CAPITAL PUNISHMENT.

H. F. 193. AN ACT to Repeal Section 3849, Chapter 2, Title 24, of the Code, and to Enact a Substitute Therefor, and to Restore Capital Punishment.

Be it enacted by the General Assembly of the State of Iowa:

Code, § 3849 repealed. SECTION 1. That section 3849, chapter 2, title 24, of the Code, be and the same is hereby repealed, and the following enacted in lieu thereof, to-wit:

Section 3849. All murder which is perpetrated by means of poison, or lying in wait, or any other kind of willful, deliberate

and premeditated killing, or which is committed in the perpetration or attempt to perpetrate any arson, rape, robbery, mayhem or burglary, is murder in the first degree, and shall be punished with death "or imprisonment for life at hard labor, in the state penitentiary, as determined by the jury."

Murder in first degree.

Death or imprisonment for life.

SEC. 2. Upon trial of an indictment for murder, the jury, if they find the defendant guilty, must designate in their verdict whether he shall be punished by death or imprisonment for life at hard labor in the penitentiary.

Verdict must designate punishment.

SEC. 3. When a verdict of death has been agreed to by a jury, the court pronouncing judgment shall fix the day of the execution thereof, which shall not be less than one year after the day on which the judgment is rendered, and not longer than fifteen months, during which time the defendant, against whom judgment of death has been pronounced, shall be imprisoned in the penitentiary of the state.

Judgment and execution.

SEC. 4. Immediately after the entry of the judgment of death, the court rendering such judgment must transmit by mail to the governor of the state, a copy of the indictment, plea, verdict, judgment, and of the testimony in the case.

After judgment, copy of papers shall be sent the governor.

SEC. 5. When a judgment of death is pronounced, a certified copy of the entry thereof in the record book must be furnished to the officer whose duty it is to execute the same, who shall proceed and execute accordingly, and no other warrant or authority is necessary to require or justify the execution.

Warrant of execution.

SEC. 6. The only officer[s] who shall have power to reprieve or suspend the execution of a judgment of death, are the governor and the sheriff, as provided in the next section, unless in case of an appeal to the supreme court, as provided in section 18 of this act.

Reprieve: Who may.

SEC. 7. When the sheriff is satisfied that there are reasonable grounds for believing that the defendant is insane or pregnant, he may summon a jury of twelve persons on the jury list, to be drawn by the clerk, who shall be sworn by the sheriff well and truly to inquire into the insanity of [or] pregnancy of the defendant and a true inquisition return, and they shall examine the defendant and hear any evidence that may be presented, and by written inquisition, signed by each of them—find as to the insanity or pregnancy, and unless the inquisition find the defendant insane or pregnant, the sheriff shall not suspend the execution. But if the inquisition find the defendant insane or pregnant, he shall suspend the execution and immediately transmit the inquisition to the governor.

Insanity or pregnancy: Shall suspend sentence.

SEC. 8. Whenever a judgment of death has not been executed on the day appointed by the court therefor, from any cause whatever, the governor, by a warrant under his hand and the seal of the state, shall fix the day of execution, which warrant shall be obeyed by the sheriff, and no one but the governor can then suspend its execution.

In case execution is delayed or suspended.

SEC. 9. A judgment of death must be executed by the sheriff on the day fixed in the judgment, between sunrise and sunset, by hanging the defendant by the neck until he is dead.

Time and manner of execution.

SEC. 10. A judgment of death must be executed within the walls of the jail of the county in which the judgment was rendered, or within a yard or enclosure adjoining thereto, unless as provided in the next two sections.

SEC. 11. If there be no jail in the county in which the judgment was rendered, or if it becomes unfit or unsafe for the confinement of prisoners, or be destroyed by fire or otherwise, and the jail of any other county has been legally designated for the imprisonment of the defendant until the day fixed for his execution, the judgment must be executed within the walls of the jail of the county so designated, or within a yard or enclosure adjoining the same, and by the sheriff of such county.

SEC. 12. If there be two or more jails or prisons in the same county, a judgment of death shall be executed within the walls of either of such jails or prisons, or within an enclosure adjoining thereto, as the court rendering such judgment shall therein direct.

SEC. 13. The sheriff executing a judgment of death, must at least, three clear days before inflicting the punishment of death, notify the judge of the district court of his county, the district attorney, the clerk of the district court, together with two physicians and twelve respectable citizens of his county, to be selected by him, and the sheriff of the county in which the trial was had, and the offense committed (if it be in a different county,) to be present as witnesses of such execution. He must also at the request of the defendant permit one or more ministers of the gospel, whom the defendant shall name, and any of his relations to attend the execution, and also such magistrates, peace officers, and guards as the sheriff shall deem proper, but no person other than those mentioned in this section can be present at the execution, nor shall any person under age, be permitted to witness the same.

SEC. 14. The sheriff or his deputy executing the judgment of death, and the judges attending the execution must prepare and sign with their name of office, a certificate, setting forth the time and place of the execution, and that judgment was executed upon the defendant according to the foregoing provisions, and must cause the certificate to be signed by the public officers, and at least twelve (12) persons not relations of the defendant who witnessed the execution.

SEC. 15. The sheriff or his deputy executing such judgment of death, must cause the certificate to be filed in the office of the clerk of the district court of the county in which the judgment was rendered, and a copy thereof to be published in a newspaper printed at the capital of the state, and in one, if any, published in his county.

SEC. 16. An appeal by the defendant to the supreme court from a judgment of death shall stay the infliction of that punishment, but the defendant is to be retained in custody to abide the judgment on the appeal.

SEC. 17. When an appeal is taken from a judgment of death it shall be the duty of the clerk of the district court in which the judgment was rendered to give forthwith to the defendant, his

agent, or attorney, a certificate under his hand and the seal of the county, stating that an appeal has been taken in the case, and the sheriff or other officer having the custody of the defendant, must upon the delivery of such certificate to him refrain from the infliction of the punishment of death upon the defendant, and retain him in custody to abide the judgment of the appeal.

SEC. 18. When a judgment of death has been affirmed, the supreme court must cause a copy of the entry of judgment to be remitted to the governor, to the end that a warrant of the execution may be issued by the governor. The governor shall send his warrant of execution by a special messenger, or by mail, to the proper officer, and shall name therein the day and time of execution, but shall not appoint an earlier day than that fixed by the judgment of the district court. The officer receiving the same shall execute the warrant of the governor as therein directed and shall report his action both to the governor and the district court which rendered the original judgment. If for any cause the execution does not take place on the day appointed by the governor, the governor may from time to time appoint another day for the execution until the judgment is carried into effect.

Appeal: Proceedings in case judgment is affirmed by supreme court.

SEC. 19. All indictments pending in any court of this state for any crime committed in violation of said section 3849 of the Code shall be prosecuted to final judgment, and all crimes that have been committed in violation of said section shall be subject to indictment, trial and punishment in the same manner as they would have been had said section not been repealed.

Indictments pending shall be prosecuted to judgment under Code, § 3849.

SEC. 20. All acts and parts of acts inconsistent with this act are hereby repealed.

Repealing clause.

Approved, March 26, 1878.

CHAPTER 166.

TUITION OF PAUPER CHILDREN.

AN ACT to amend Section 1381, Chapter I, Title XI., of the Code, providing for the Payment of the Tuition of Pauper Children. S. F. 329.

Be it enacted by the General Assembly of the State of Iowa:

SECTION 1. That section 1381 of the Code is hereby amended by adding at the end of the section: The expense of the poor-house shall include such an amount of tuition for the instruction of the pauper children as the whole number of days' attendance of such pauper children is to the total number of days' attendance in the school at which such pauper children attend, and such amount shall be paid into the treasury of the district where said children attend.

Code, § 1381: amended.

How paid

SEC. 2. This act, being deemed of immediate importance, shall

Publication. take effect and be in force from and after its publication in the Iowa State Register, and Iowa State Leader, newspapers published in Des Moines.

Approved, March 26, 1878.

I hereby certify that the foregoing act was published in the *Iowa State Register* April 3, and in the *Iowa State Leader*, April 5, 1878.

JOSIAH T. YOUNG, *Secretary of State*.

CHAPTER 167.

SALARIES OF OFFICERS OF THE PENITENTIARY OF THE STATE.

S. F. 264. AN ACT to repeal Chapter 156 of the Laws of the Sixteenth General Assembly, and to enact a substitute therefor.

Be it enacted by the General Assembly of the State of Iowa:

Chapter 156, 16th G. A., repealed. SECTION 1. That chapter 156 of the laws of the 16th general assembly is hereby repealed, and the following enacted in lieu thereof:

Appropriation for salaries. SECTION 4783. There is hereby appropriated out of any money in the state treasury, not otherwise appropriated, so much as may be necessary to pay monthly to the persons herein named the following sums, viz: To the warden, one hundred and sixty-six dollars and sixty-seven cents; to the deputy warden, one hundred dollars; to the clerk, sixty dollars; to the surgeon, forty dollars; to the chaplain, who shall also perform the duties of teacher, sixty-two dollars and fifty cents; to the hospital steward, fifty dollars; to the turnkey, forty-five dollars, and to each guard forty-five dollars.

Warden shall have rent, fuel, &c. *Provided*, That the warden shall be furnished, in addition to the above, with house rent, fuel and lights for himself and family at the expense of the state, but no other perquisites or allowances of any character shall be permitted; and,

Shall file affidavit with auditor of state. *Provided*, That on the last of each month the warden shall make and file with the auditor of state an affidavit that during said month he has not directly or indirectly converted to his own use any provisions, supplies, waste, or materials belonging to the state, nor permitted the same to be done by any other officer or person, except as herein provided, which said affidavit must be filed before any warrant shall issue to the warden for his own compensation, as provided in this section; and,

Provisions to apply to Anamosa Penitentiary. *Provided, further*, That the salaries and compensations allowed in this section shall also apply to the additional penitentiary at Anamosa, except that no deputy warden shall be appointed at such additional penitentiary.

Repealing clause. SEC. 2. All acts or parts of acts inconsistent with this act are hereby repealed.

SEC. 3. This act, being deemed of immediate importance, shall take effect from and after its publication in the Iowa State Register and Iowa State Leader, newspapers published at Des Moines, Iowa.

Approved, March 26, 1878.

I hereby certify that the foregoing act was published in the *Iowa State Leader*, March 29, and in the *Iowa State Register*, March 30, 1878.

JOSIAH T. YOUNG, *Secretary of State*.

CHAPTER 168.

EVIDENCE IN CRIMINAL ACTIONS.

AN ACT in Relation to Evidence in Criminal Actions. Amending Sections 3636, and 4421, and Repealing Section 4237, and part of Section 4556 of the Code. Sub. S. F. 19.

Be it enacted by the General Assembly of the State of Iowa:

SECTION 1. That section 3636, chapter 1, of title 22 of the Code, be amended by adding thereto the following: "Defendants in all criminal proceedings shall be competent witnesses in their own behalf, but cannot be called as witnesses by the state; and should a defendant not elect to become a witness, that fact shall not have any weight against him on the trial, nor shall the attorney or attorneys for the state during the trial, refer to the fact that the defendant did not testify in his own behalf; and should he do so, such attorney or attorneys will be guilty of a misdemeanor, and defendant shall for that cause alone be entitled to a new trial."

Code, § 3636, amended. Defendant may testify in his own behalf.

SEC. 2. Section 4237 is hereby repealed, and all that part of section 4556 after the word "chapter" in the fourth line, is hereby repealed, which will then read as follows:

Code, § 4237, repealed.

Section 4556. The rules of evidence prescribed in the civil part of this Code shall apply to criminal proceedings, as far as applicable, and as they are not inconsistent with the provisions of this chapter.

Code, § 4556, part repealed.

SEC. 3. That section 4421 of the Code be amended by adding thereto the following: *Provided*, That whenever the district attorney desires to introduce evidence to support the indictment, of which he shall not have given said four days' notice because of insufficient time therefor since he learned said evidence could be obtained, he may move the court for leave to introduce such evidence, giving the name, place of residence, and occupation of the witnesses he desires to introduce, and the substance of what he expects to prove by said witnesses, and showing diligence such as is required in a motion for a continuance supported by affidavit, whereupon, if the court sustain said motion, the defendant shall elect whether said cause shall be continued on his motion, or the

Code, § 4421, amended. Dist. attorney may introduce without four days' notice.

witness shall then testify; and if said defendant shall not elect to have said cause continued, the district attorney may examine said witness in the same manner and with same effect as though four days' notice thereof had been given defendant as hereinbefore provided, except that the district attorney, in the examination of said witnesses, shall be strictly confined to the matters set out in his motion.

Approved, March 26, 1878.

CHAPTER 169.

EMPOWERING CITIES AND TOWNS TO EXTEND THEIR CORPORATE LIMITS.

S. F. 34. AN ACT to amend Chapter Forty-seven (47), Laws of the Sixteenth General Assembly, in relation to empowering Cities to extend their Corporate Limits. (Additional to Code, Chapter 10, Title 4, "of Cities and Incorporated Towns.")

Be it enacted by the General Assembly of the State of Iowa:

§ 1, chapter 47, 16th G. A. amended. Additional mode of extending limits. § 2 amended. Council may fix boundaries. SECTION 1. That section one (1) of chapter 47 of the laws of the sixteenth general assembly be amended by inserting after the word "city" in the second line thereof, the words "or incorporated town."

§ 3 amended. Extension to be submitted to vote. § 4 amended. Taxes. SEC. 2. That section two (2) of said chapter be amended by striking out the word "city" before the word "council" in the first line thereof, and by inserting after the word "city" in the said first line the words "or incorporated town."

§ 3 amended. Extension to be submitted to vote. § 4 amended. Taxes. SEC. 3. That section three (3) of said chapter be amended by inserting after the word "city," wherever the same appears in said section, the words "or town."

§ 4 amended. Taxes. SEC. 4. That section four (4) of said chapter be amended by inserting after the word "city," in the sixth and eighth lines thereof, the words "or town."

§ 4 amended. Lots of ten acres. SEC. 5. That the word "twenty" in the 2d and 3d lines of section 4, of said chap. 47, be stricken out and the word "ten" inserted in lieu thereof.

Approved, March 26, 1878.

CHAPTER 170.

GENERAL APPROPRIATION.

AN ACT making Appropriations for the Payment of State and Judicial Officers, and certain expenses of the General Assembly. S. F. 333.

Be it enacted by the General Assembly of the State of Iowa:

SECTION 1. There is hereby appropriated out of any money in the state treasury, not otherwise appropriated, an amount sufficient to pay the salaries of the various officers, whose salaries are now fixed by law and payable from the state treasury; and the auditor of state shall draw warrants therefor in favor of the officers entitled thereto in monthly installments, when not otherwise provided by law. Amount appropriated sufficient to pay salaries.

SEC. 2. There is hereby further appropriated from the state treasury, for the term of two years ending March 31, 1880, the following amounts, or so much thereof as shall be necessary, to-wit: *Provided*, That on the first day of April, succeeding the meeting of each regular session of the general assembly, all moneys appropriated hereby and remaining undrawn belonging to the several funds hereinafter mentioned, shall be covered into the treasury. Other appropriations.

SEC. 3. The amounts hereinafter named or so much thereof as may be necessary, for the use of the several state officers herein designated, to enable them to procure sufficient clerical help. Clerical help for State officers.

For the use of the secretary of state, the sum of two thousand dollars (\$2,000). \$2,000 to Secretary.

For the use of the auditor of state, the sum of five thousand dollars (\$5,000). \$5,000 to Auditor.

For the use of the treasurer of state, the sum of two thousand dollars (\$2,000). \$2,000 to Treasurer.

For the use of the superintendent of public instruction, the sum of two thousand dollars (\$2,000). \$2,000 to Supt. Public Instruction.

Provided, That each of said state officers shall furnish vouchers therefor, containing the items of such expenditures to the auditor of state, before any warrants shall issue therefor, and the amounts thereof, and to whom paid, shall be reported to the next general assembly.

SEC. 4. For contingent expenses of the executive office, the sum of four thousand dollars (\$4,000), and for payment of room-rent for the governor, the sum of twelve hundred dollars (\$1,200). \$4,000 for Governor's contingent. \$1,200 for his house-rent.

SEC. 5. The sum of seven thousand dollars for the incidental expenses of the supreme court, or so much thereof as may be necessary—all bills for such expenses shall contain all the items thereof, which shall be certified to be correct and necessary by the chief justice of said court, before any warrants shall issue therefor. \$7,000 for incidental expenses of supreme court.

SEC. 6. For the payment of janitors and night guard for the capitol building, the sum of six thousand dollars, or so much thereof as may be necessary, to be expended under the direction of the executive council.

SEC. 7. For providential contingencies, the sum of six thousand dollars (\$6,000), said amount to be under the control of the executive council, and all payments from said fund shall first receive its unanimous approval. Any expenditure under this section shall be reported in detail by the auditor of state in his biennial report.

SEC. 8. For the payment of four semi-annual installments of interest, to become due on the war and defense bonds of the state, the sum of forty-two thousand dollars (\$42,000); and for the payment of the interest to become due on the indebtedness of the state to the permanent school fund, the sum of forty thousand dollars, (\$40,000) or so much thereof as may be necessary.

The auditor of state shall draw warrants for the above appropriations, as the said item[s] of interest become due.

SEC. 9. To the lieutenant governor, Frank T. Campbell, as president of the senate, the sum of eleven hundred dollars (\$1,100).

SEC. 10. To John Y. Stone, as speaker of the house, the sum of five hundred and fifty dollars (\$550), which shall be in addition to his salary as a member of the house.

SEC. 11. To Henry W. Rothert, as president of the senate during its temporary organization, the sum of forty dollars (\$40.00).

SEC. 12. To Fred O'Donnell, as speaker of the house during its temporary organization, the sum of ten dollars.

SEC. 13. To J. A. T. Hull, secretary of the senate, and W. V. Lucas, chief clerk of the house, for transcribing and indexing the journals of their respective houses, superintending the printing and distributing the same, the sum of six hundred dollars each, (\$600), one-half to be paid when a certified copy of the journals is filed in the office of the secretary of state, and the balance when the distribution is made. Warrants therefor shall be issued under the direction of the executive council; provided that no warrant for said services be drawn under sec. 8 of chap. 159 of the acts of the sixteenth general assembly.

SEC. 14. To the secretary of state, auditor of state and treasurer of state, for extra official services as members of the executive council for the years 1878 and 1879, the sum of six hundred dollars each (\$600), and warrants therefor shall be issued monthly at the end of each month.

SEC. 15. To the chaplains of the senate and the house, the sum of three hundred and fifty five dollars. Warrants therefor shall be drawn on the certificate of the president of the senate and speaker of the house, and the amounts, or so much thereof as shall be necessary, to be divided among themselves. Warrants for the above to be drawn in favor of Rev. H. H. Oneal.

SEC. 16. To F. Vangundia, for work done on clerk's desk in house of representatives, the sum of eight dollars and twenty-five cents (\$8.25).

\$6,000 for janitors and night-guard.

\$6,000 for providential contingencies.

\$12,000 for interest on war and defense bonds.
\$10,000 for interest on permanent school fund.

\$1,100 to President of Senate.

\$550 to Speaker of the house.

\$40 dollars to president of Senate in temporary organization.
\$10 to speaker of house in temporary organization.
\$1,200 for editing journals.

\$600 to Secretary, Auditor, and Treasurer for services in council.

\$355 to chaplains of G. A.

\$8.25 for repairing clerk's desk.

SEC. 17. To C. & L. Harbach, for covering for clerk's desk, one dollar and fifty cents (\$1.50). \$1.50 for cover, clerk's desk.

SEC. 18. To G. C. Baker & Co., for nails and spittoons for general assembly, seven dollars and twenty-five cents (\$7.25). \$7.25 for nails and spittoons.

SEC. 19. To C. N. Lyman, for one day's services as chaplain of the house, five dollars. \$5.00 for chaplain.

SEC. 20. To J. G. Foote, as accountant of the board of capital commissioners, for two years ending March 31, 1880, the sum of six hundred dollars (\$600), and warrants therefor shall issue as services are rendered at the end of each month. \$600 to accountant of Cap. Coms.

SEC. 21. For the payment of one fireman, Edward Entwistle, and six janitors, Andrew Scholes, E. R. Childs, W. R. Stimson, Jr., R. C. White, J. F. Morse and George Johnson, during the session of the seventeenth general assembly, the sum of two hundred and eighty-eight dollars each; two thousand and sixteen dollars. \$2,016 for fireman and janitors.

SEC. 22. To Redhead & Wellslager for pens, blank books, inkstands and mucilage, for the use of the general assembly, the sum of seventy-one dollars and seventy-seven cents (\$71.77). \$71.77 for stationery, &c.

SEC. 23. For purchasing a new burglar proof safe for the office of the treasurer of state, the sum of twenty-five hundred dollars or so much thereof as may be necessary. The money appropriated by this section shall be expended under the direction of the executive council. \$2,500 for safe in treasury.

SEC. 24. To W. R. Stimson, the sum of ten dollars, for conveying packages to the express office for members of the general assembly. \$10 for hauling.

SEC. 25. To W. R. Stimson, the sum of twenty five dollars for furnishing paste for the 17th general assembly. \$25 for paste.

SEC. 26. To Charles P. Birge, penitentiary commissioner, the sum of two hundred eighty and 30-100 dollars, to pay for advertising the labor of the convicts in the Fort Madison penitentiary. \$280.30 for advertising convict labor.

SEC. 27. To W. M. Stone and W. A. Fast, the sum of five and 50-100 dollars, and to Geo. Carson the sum of seven dollars and 28-100, as special committee appointed to examine certain property near Farmington, Iowa, with reference to its being purchased for the girls' reform school. \$18.28 to special committee: girls' reform school

SEC. 28. To C. S. Wilson, Alex Bleidung, S. M. Yoran and Geo. Wright, the sum of five and 75-100 dollars each, as special committee to examine the deaf and dumb institution at Council Bluffs. \$23 to special committee to visit deaf and dumb.

SEC. 29. To J. S. Clarkson & Bro., the sum of fifty dollars for rent of room for house committee on ways and means and appropriations, during 17th general assembly. \$50 for committee room.

SEC. 30. To Fred C. McCartney, the sum of seventy-eight dollars, for rent of room for house judiciary committee during the 17th general assembly. \$78 for committee room.

SEC. 31. To G. B. Brown, the sum of seventy-eight dollars, for committee rooms for committees of the 17th general assembly. \$78 for committee rooms.

SEC. 32. This act, being deemed of immediate importance, shall take effect from and after its publication in the Daily State Publication.

Register, and Daily State Leader, newspapers published in Des Moines, Iowa.

Approved, March 26, 1878.

I hereby certify that the foregoing act was published in the *Iowa State Leader*, April 1, and in the *Iowa State Register*, April 3, 1878.

JOSIAH T. YOUNG, *Secretary of State*.

CHAPTER 171.

CHANGE OF VENUE IN CRIMINAL CASES.

H. F. 581. AN ACT to Amend Section 4374 of Chapter 24, Title XXV., of the Code of 1873.

Be it enacted by the General Assembly of the State of Iowa :

Code, § 4374,
amended.
On account of
prejudice of
the judge.

SECTION 1. That section 4374 of the Code of 1873, be and the same is hereby amended by adding thereto the following :
" *Provided*, That where application is made for a change of venue on the ground of the prejudice of the judge, by a defendant who has been once tried before said judge upon the same indictment, or when a co-defendant jointly indicted has been so tried, such petition shall be granted."

Publication.

SEC. 2. This act, being deemed of immediate importance, shall take effect and be in force from and after its publication in the *Iowa State Register*, and *Iowa State Leader*, newspapers published at Des Moines, Iowa.

Approved, March 26, 1878.

I hereby certify that the foregoing act was published in the *Iowa State Register*, and *Iowa State Leader*, March 30, 1878.

JOSIAH T. YOUNG, *Secretary of State*.

CHAPTER 172.

CONCERNING REGULATION OF THE SALE OF COAL OIL.

S. F. 22. AN ACT to Authorize Cities, Towns, and Townships, to Regulate the Sale of Coal Oil.

Be it enacted by the General Assembly of the State of Iowa :

Council or
trustees may
appoint in-
spectors.

SECTION 1. That the mayor and council of any city or incorporated town, or the township trustees in townships wherein no city or incorporated town is situated, may, and upon the petition of any five inhabitants thereof, shall annually appoint one or more suitable persons, not interested in the sale or manufacture of coal oil, kerosene, or the product of petroleum, to be inspectors thereof in

said cities, towns, or township, and fix their compensation, which shall not exceed five cents per package, to be paid by the party requiring their services, and who, before entering upon the duties of such office, shall take and subscribe an oath, and shall also execute a bond to the state of Iowa, in such sum and with such sureties, as shall be approved by said council or township trustees, and conditioned for the faithful performance of *his* [their] duties; and any person aggrieved by the misconduct or neglect of such inspector, may maintain suit thereon for his own use, for all damages sustained.

SEC. 2. Upon the application of any person, purchaser, manufacturer, refiner or producer of, or any dealer in such oils or fluids, said inspector shall test the same, with reasonable dispatch, by applying the proper fire-test thereto in quantities not less than one pint, as indicated and determined by some accurate instrument and apparatus, approved and used for testing the quality of such illuminating oils or fluids, which instrument or apparatus the inspector shall provide at his own expense and cost. If the oils or fluids so tested will not ignite or explode at a temperature less than one hundred and fifty degrees, Fahrenheit, to be ascertained as aforesaid, said inspector shall mark, plainly and indelibly, over his official signature, with the date thereof, on each cask, barrel, tank or package so tested, "approved, fire-test being 150 degrees" or more, as the same may prove; but if such oils or fluids will ignite or explode at a temperature less than one hundred and fifty degrees Fahrenheit, then the inspector shall so mark on each cask, barrel, tank or package so tested, "condemned for illuminating purposes, fire-test being — degrees," as the same may prove less than one hundred and fifty degrees Fahrenheit. Said inspector shall keep a record of all inspections made, and enter the same within twenty-four hours thereafter in a book kept for that purpose, which shall be at all times accessible for examination by any person; and upon the termination of his office, said inspector shall turn the same over to the clerk or recorder of said city, incorporated town or township.

Proceedings
in inspection
of oils.

SEC. 3. Any inspector who shall falsely brand or mark any cask, barrel, tank or package, or be guilty of any fraud, deceit, misconduct or culpable negligence in the discharge of any of his official duties, or who shall either directly or indirectly deal in any such oils or fluids, while holding the office of inspector, shall be guilty of a misdemeanor, and upon conviction thereof, shall be punished by a fine not exceeding one hundred dollars, or imprisonment not exceeding thirty days, and shall be liable to the party injured for all damages occasioned thereby.

Penalty for
falsely brand-
ing casks, &c.

SEC. 4. Any manufacturer or refiner of, or any dealer in any such oils or fluids, the product of petroleum, who shall sell or offer the same for sale, to any person, for illuminating purposes, without the same shall have been so inspected, or shall sell or offer for sale any such oils or fluids, as aforesaid, which is below the test of one hundred and fifty degrees Fahrenheit, as provided in section 2 of this act, or who shall use any cask, barrel, tank or package, with the inspector's brand or mark thereon,

Penalty for
selling oil not
inspected.

the oil or fluid therein contained not having been so inspected, or who shall counterfeit any such inspector's brand or mark, shall be deemed guilty of a misdemeanor, and upon conviction thereof shall be liable to the same penalties provided in, and subject to, the same liabilities as set forth in section three of this act.

Publication. SEC. 5. This act, being deemed of immediate importance, shall be in force from and after its publication in the Iowa State Register, and Iowa State Leader, newspapers published at Des Moines, Iowa.

Approved, March 26, 1878.

I hereby certify that the foregoing act was published in the *Iowa State Leader*, April 10, and in the *Iowa State Register*, April 11, 1878.

JOSIAH T. YOUNG, *Secretary of State*.

CHAPTER 173.

VOTING AID IN THE CONSTRUCTION OF RAILROADS.

S. F. 98. AN ACT to amend Chapter 123 of the Laws of the Sixteenth General Assembly relating to Taxes in aid of Railroads, which is entitled, "An Act to enable Townships and Incorporated Towns and Cities to aid in the construction of Railroads."

Be it enacted by the General Assembly of the State of Iowa:

How aid may be given. SECTION 1. That it shall be lawful for any township, incorporated town or city to aid in the construction of any projected railroad in this state as hereinafter provided.

First mortgage bonds. SEC. 2. Whenever it shall be proposed in the petition and notice, which are provided in section 2 of chapter 123 of the laws of sixteenth general assembly, to issue 1st mortgage bonds not exceeding in amount the limit established in section 6 of said act, in lieu of stock as provided in section 5 of said act, it shall be lawful to issue said bonds of the denomination of one hundred dollars in the same manner as is provided for the issue of stock in said act.

Petition and notice shall state. SEC. 3. Whenever it is proposed to issue bonds in lieu of stock as aforesaid, the petition and notice shall state the amount of bonds per mile of road to be issued, the per centum of interest, and time of the payment of the interest and principal of the bonds.

Publication. SEC. 4. This act, being deemed of immediate importance, shall take effect and be in force from and after its publication in the Iowa State Leader, and Iowa State Register, newspapers published in Des Moines, Iowa.

Approved, March 26, 1878.

I hereby certify that the foregoing act was published in the *Iowa State Leader*, April 1, and in the *Iowa State Register*, April 3, 1878.

JOSIAH T. YOUNG, *Secretary of State*.

CHAPTER 174.

CITIES ORGANIZED UNDER SPECIAL CHARTERS.

AN ACT to Amend Section 6, of Chapter 116, of the Laws of the Sixteenth General Assembly, the same being "An Act, Relating to Cities Organized and Existing under Special Charters," Conferring Additional Powers, and Amending the Charters of such Cities. (Additional to Code, Chapter 10, Title 4, "of Cities and Incorporated Towns.") Sub. S. F. 115.

Be it enacted by the General Assembly of the State of Iowa :

SECTION 1. That section 6, of chapter 116, laws of the sixteenth general assembly, be and the same is hereby amended by inserting after the word "sale," in the 11th line of said section 6, the following words, to-wit: And also the amount of all taxes, either annual or special, with interest and cost, paid at any time by the purchaser subsequent to the sale, and a similar penalty of twenty per cent. added as before on the amount of the payment made at any subsequent time, with ten per cent. interest per annum on the whole of such amount or amounts from the day or days of payment. *Provided*, That such penalty for the non-payment of the taxes at any such subsequent time or times, shall not attach unless such subsequent tax or taxes shall have remained unpaid for thirty days after they become delinquent. § 6, chapter 116, 16th G. A., amended. Redemption of property sold for taxes.

SEC. 2. The provisions of the above section shall not in any manner affect sales for city taxes heretofore made by cities acting under special charters. Not to affect sales heretofore made.

Approved, March 26, 1878.

CHAPTER 175.

PROVIDING FOR PUBLICATION OF THE "MILITARY CODE."

AN ACT to Amend Chapter 125 of the Laws of the Seventeenth General Assembly, and provide for the Publication of an Act entitled the "Military Code of Iowa." S. F. 335.

Be it enacted by the General Assembly of the State of Iowa :

SECTION 1. That chapter 125 of the laws of the seventeenth general assembly be amended by adding thereto the following: Chapter 125, 17th G. A., amended.

Section 14. This act shall take effect and be in force from and after its publication in the Iowa State Register, and the Iowa State Leader, newspapers published in Des Moines, Iowa. To take effect by publication.

Publication. SEC. 2. This act, being deemed of immediate importance shall take effect and be in force from and after its publication in the Iowa State Register and Iowa State Leader, newspapers published in Des Moines, Iowa.

Approved, March 26, 1878.

I hereby certify that the foregoing act was published in the Iowa State Register, April 3, and in the Iowa State Leader, April 5, 1878.

JOSIAH T. YOUNG, Secretary of State.

CHAPTER 176.

HOME FOR THE FRIENDLESS.

S. F. 334.

AN ACT to Confer Certain Powers upon any Home for the Friendless Incorporated under the Laws of Iowa, in Relation to the Control and Disposition of Minor Children who become Inmates thereof.

Be it enacted by the General Assembly of the State of Iowa:

Shall have authority to receive and dispose of minors.

SECTION 1. That any home for the friendless, incorporated under the laws of this state, shall have authority to receive, control and dispose of minor children, under the following provisions: In case of the death or legal incapacity of a father, or in case of his abandoning or neglecting to provide for his children, the mother shall be considered their legal guardian for the purpose of making surrender of them to the charge and custody of such corporation; and in all cases where the person or persons legally authorized to act as the guardian or guardians of any child, are not known, the mayor of the town or city where such "home" is located, may, in his discretion, surrender such child to said "home."

If parents are drunkards, etc., etc.

SEC. 2. In case it shall be shown to any judge of a court of record, or to the mayor, or to any justice of the peace within such city or town, that the father of any child is dead, or has abandoned his family, or is an habitual drunkard, or imprisoned for crime, and the mother of such child is an habitual drunkard, or is in prison for crime, or is an inmate of a house of ill-fame, or is dead, or has abandoned her family, or that the parents of any child have abandoned or neglected to provide for it, then such judge, mayor or justice of the peace may, if he thinks the welfare of the child requires it, surrender such child to said "home."

Upon complaint child may be sent to "home."

SEC. 3. Whenever complaint shall be made to the judge of any court of record, or to the mayor, or any justice of the peace in the city or town where said "home" is located, that any girl under the age of 14 years, or boy under the age of 12 years is abandoned by, or is sustaining relations to his or her parents or guardians, mentioned or contemplated in section 2 hereof, it shall be the duty of such judge, mayor or justice to issue a warrant for the arrest of such child, and if on testimony satisfactory to said

judge, mayor or justice, it shall appear that such child has no parents, or is abandoned by its parents or guardians, as contemplated in section 2 of this act, the said mayor, judge or justice may, if he believes the best interest of the child requires it, surrender such child to the care of said "home."

The right of appeal, within twenty days, to the district or circuit court, from the judgment of any mayor or justice of the peace shall be secured; and in any hearing before a court of record the party charged may have a trial by jury as is provided by law. Appeal.

SEC. 4. Upon the hearing of any *habeas corpus* for the custody of any child, if it appears that such child has been surrendered to said "home," under the provisions of this act, such surrender shall be taken by all courts of justice as presumptive that such child was legally and properly surrendered to said "home," and that said "home" was entitled to the custody and guardianship of such child under the provisions of this act. Habeas corpus.

SEC. 5. Such home for the friendless shall be the legal guardian of the persons of all children that shall be surrendered to it under the provisions of this act, and shall have and exercise all the right and authority of the parents of such children, under the provision of chapters 6 and 7, title 15 of the Code of Iowa, and amendments thereto, regulating the apprenticing and adoption of children. "Home" shall be legal guardian.
Code, title 15, chapters 6, and 7.

SEC. 6. If religious instruction is given any child while an inmate of such home, it shall be in the religious faith of the parents of such child, if the same be known; and when any home shall dispose of the custody of any child, it shall be to some person and of the same religious faith as its parents, unless the parent or former guardian consent otherwise. Religious instruction.

SEC. 7. This act, being deemed of immediate importance, shall take effect and be in force from and after its publication in the Daily Iowa State Register, and Daily Iowa State Leader, newspapers published at Des Moines, Iowa. Publication.

Approved, March 28, 1878.

I hereby certify that the foregoing act was published in the *Iowa State Register*, April 4, and in the *Iowa State Leader*, April 6, 1878.

JOSIAH T. YOUNG, *Secretary of State*.

CHAPTER 177.

WM. R. DANIELS, N. P.

AN ACT to legalize the Official Acts of Wm. R. Daniels, a Notary Public of Hamilton County. S. F. 316.

WHEREAS, Wm. R. Daniels was duly appointed and commissioned a notary public in and for the county of Hamilton, and entered upon the discharge of his duties; and, Preamble.

WHEREAS, His commission as such notary public expired June

15th, 1874, and the said Wm. R. Daniels continued to act as such notary public after the expiration of his commission; therefore,

Be it enacted by the General Assembly of the State of Iowa:

Official acts
legalized.

SECTION 1. That all the official acts of the said Wm. R. Daniels, by him performed as notary public after the expiration of his commission, are hereby legalized.

Approved, March 26, 1878.

CHAPTER 178.

COLLEGE FOR THE BLIND.

S. F. 281. AN ACT Making Further Appropriations for the College for the Blind.

Be it enacted by the General Assembly of the State of Iowa:

\$2,600 appro-
priated for
repairs, etc.

SECTION 1. That there is hereby appropriated out of any funds in the treasury not otherwise appropriated, the following sums for the purposes herein named, to-wit:

For bedsteads, mattresses, bedding and chairs for pupils, \$1,000.00.

For the repair of fences, stables, pens, including the necessary material, \$400.00.

For contingent expenses, \$400.00.

For constructing sewer, \$800.00, or so much thereof as may be necessary.

Shall be used
for no other
purpose.

SEC. 2. That the several sums hereby appropriated shall be used exclusively for the specific objects for which they are appropriated.

Drawn on
vouchers.

SEC. 3. That the money hereby appropriated shall be drawn and paid on the order of the trustees, and audited and paid as other claims; and shall take vouchers, in duplicate for all money paid out under the provisions of this act, one of which shall be filed in the office of the auditor of state.

Publication.

SEC. 4. This act, being deemed of immediate importance, shall take effect from and after its publication in the Daily State Register, and Daily State Leader, newspapers published in Des Moines, Iowa.

Approved, March 26, 1878.

I hereby certify that the foregoing act was published in the *Iowa State Leader*, March 29, and in the *Iowa State Register*, March 30, 1878

JOSIAH T. YOUNG, *Secretary of State.*

CHAPTER 179.

APPROPRIATION TO PAY EXPENSES OF INVESTIGATION OF THE
PENITENTIARY AT FORT MADISON.

AN ACT making an Appropriation for the Payment of the Expenses S. F. 328.
of the Commission appointed by the Seventeenth General Assem-
bly for the Investigation of the Affairs of the Penitentiary at Fort
Madison, as managed by the late Warden, Seth H. Craig.

*Be it enacted by the General Assembly of the State of
Iowa:*

SECTION 1. That there be and hereby is appropriated out of ^{\$1,000 appro-} any money in the treasury of the state not otherwise appropri- ^{ated to pay} ated, the sum of one thousand dollars, or so much thereof as may ^{expenses.} be necessary to pay the expenses of the commission to investigate the affairs of the penitentiary at Fort Madison.

SEC. 2. The auditor of state is hereby authorized to draw his ^{Drawn on} warrant upon the treasurer for the amount found necessary upon ^{vouchers.} presentation of the proper vouchers therefor, and to deliver the same to the chairman of said commission, who shall settle with the parties interested.

SEC. 3. This act, being deemed of immediate importance, ^{Publication.} shall take effect and be in force from and after its publication in the Iowa State Register, and Iowa State Leader, newspapers published at Des Moines, Iowa.

Approved, March 26, 1878.

I hereby certify that the foregoing act was published in the Iowa State Leader, April 2, and in the Iowa State Register, April 4, 1878.

JOSIAH T. YOUNG, Secretary of State.

CHAPTER 180.

SOLDIERS' ORPHANS' HOME.

AN ACT to Make Appropriations for the Soldiers' Orphans' Home and Sub. H. F. 296.
Home for Indigent Children at Davenport, Iowa.

*Be it enacted by the General Assembly of the State of
Iowa:*

SECTION 1. That there be and is hereby appropriated out of ^{\$5,425 appro-} the funds in the state treasury not otherwise appropriated, the ^{iated for} sum of five thousand four hundred and twenty-five dollars, to be ^{expenses and} expended by the board of trustees of said home in manner as ^{repairs.} follows:

For furniture.....	\$ 500.00
For lumber and general repairs.....	2,500 00
For library.....	200.00
For re-imbursing support fund	1,800.00
For amount due F. Kirk & Son	425.00

Said several sums of money so appropriated, shall be drawn out of the state treasury upon the order of the board of trustees.

Approved, March 26, 1878.

CHAPTER 181.

IN RELATION TO MINING UNDER CAPITOL SQUARE AND GOVERNOR'S SQUARE.

S. F. 271. AN ACT to Protect the State property known as Capitol Square and Governor's Square, in Des Moines, Iowa.

Be it enacted by the General Assembly of the State of Iowa:

Penalty for mining under state property.

SECTION 1. That any company or companies, person or persons, whether acting as officers or employes of said company or companies, who shall mine, or cause to be mined, any coal, or who shall run any drift or lead under the property of the state, known as capitol square and governor's square, shall upon conviction thereof be subject to a fine of not less than five hundred dollars or more than one thousand dollars, and imprisonment not less than ninety days or more than two years.

Publication.

SEC. 2. This act, being deemed of immediate importance, shall take effect from and after its publication in the Iowa State Register, and Iowa State Leader, newspapers published in Des Moines, Iowa.

Approved, March 26, 1878.

I hereby certify that the foregoing act was published in the Iowa State Leader, April 2, and in the Iowa State Register, April 4, 1878.

JOSIAH T. YOUNG, *Secretary of State.*

CHAPTER 182.

ASYLUM FOR FEEBLE-MINDED CHILDREN.

Sub. S. F. 278. AN ACT Making Certain Appropriations in Aid of the Asylum for Feeble-Minded Children.

Be it enacted by the General Assembly of the State of Iowa:

SECTION 1. That there is hereby appropriated out of any

money in the state treasury not otherwise appropriated, in aid of the asylum for feeble-minded children at Glenwood, the following sum of money, for the following purposes:

For salaries of teachers, assistant teachers and attendants.	\$ 2,500
Furnishing fund.	2,000
School apparatus and piano.	800
Laundry and apparatus, and wood house.	1,000
Barn and fence for sixteen acres.	500
Building for gymnasium, school room and dormitories.	3,500
Water supply.	500
Repairs on old building.	500
For purchasing twelve milch cows for use of asylum.	300

\$11,600

Warrants for this money shall be issued by the auditor of state as the same may be necessary, upon the order of the president of the board of trustees for said institution.

Warrants drawn on order of president.

SEC. 2. This act, being deemed of immediate importance, shall take effect and be in force from and after its publication in the Iowa State Leader, and Iowa State Register, newspapers published at Des Moines, Iowa.

Publication.

Approved, March 26, 1878.

I hereby certify that the foregoing act was published in the Iowa State Register, April 4, and in the Iowa State Leader, April 6, 1878.

JOSIAH T. YOUNG, Secretary of State.

CHAPTER 183.

RELATING TO SUPPORT OF THE INSANE.

AN ACT to amend Section 1428, Chapter 2, Title XI., of the Code, relating to Insane expenses. S. F. 213.

Be it enacted by the General Assembly of the State of Iowa:

SECTION 1. That section fourteen hundred and twenty-eight of the Code be amended by adding thereto the following, that is to say—"and should they within one year from the taking effect of this act fail to levy such tax sufficient to pay the amount now due the state, as shown by the books of the auditor of state, and shall fail at the time of levying other taxes thereafter to levy the tax aforesaid to an amount sufficient to pay the sum then due the state, it shall be the duty of the auditor of state to charge such delinquent county with a penalty of three per centum per month upon the amount of indebtedness then six months due, for each month until payment thereof and penalty thereon be made."

Code, § 1428, amended.

On failure to levy insane tax.

SEC. 2. It shall be the duty of the county treasurer on collection of the taxes herein required to be levied to pay into the state

Duty of county treasurer.

treasury the amount due and owing from his county at the times and in the manner required for the payment of state taxes collected.

Insane tax shall not be diverted to other fund.

SEC. 3. Taxes levied and collected in any county for the purpose named in this act, shall be used only to defray the expenses of the insane, chargeable to such county and the costs incident thereto, and shall not be diverted to any other purpose, nor be transferred to any other fund.

Penalty for violation of these provisions.

SEC. 4. Any member of the board of supervisors, or any county treasurer who shall violate any of the provisions of this act, shall be liable to a fine of not less than one hundred nor more than five hundred dollars, to be recovered in an action brought against him in the district court of his county, in the name of the state, by the attorney general.

Duty of state and county auditor.

SEC. 5. The auditor of state shall notify the several county auditors, and county treasurers of the provisions of this act, and it shall be the duty of said officers to present said notice to the board of supervisors at their first meeting thereafter.

Approved, March 26, 1878.

CHAPTER 184.

SELECTION OF JURORS.

S. F. 63. AN ACT to amend Section 240, of Chapter 10, Title 3, of the Code.

Be it enacted by the General Assembly of the State of Iowa:

Code, § 240, amended. Sheriff or his deputy.

SECTION 1. That section two hundred and forty, of chapter ten, title three of the Code, be and the same is hereby amended, by inserting after the word "sheriff," in the fifth line thereof, the words "or his deputy."

Approved, March 26, 1878.

CHAPTER 185.

APPROPRIATION TO CARRY OUT PROVISIONS OF THE MILITARY CODE.

S. F. 325. AN ACT to Meet the Requirements of An Act entitled the "Military Code of Iowa," which are not Otherwise Provided for, and to Provide for the Payments of Transportation of Arms, Ammunition and Ordnance Stores used by the Iowa National Guard from the State Arsenal to the various Regimental and Company Headquarters.

Be it enacted by the General Assembly of the State of Iowa:

SECTION 1. That the sum of five thousand dollars, or so much

thereof as may be necessary, is hereby appropriated out of any funds in the state treasury, not otherwise appropriated, to meet the requirements of an act known as the Military Code of Iowa, which are not otherwise provided for, and for payment of transportation of arms, ammunition and ordnance stores from the state arsenal to the various regimental and company headquarters of the Iowa national guard, and for the purchase of a seal for the adjutant-general's office. \$5,000 appropriated for transportation, &c.

SEC. 2. Said moneys shall be paid out only on vouchers duly certified by the adjutant-general, and approved by the governor, showing the necessity of such expenditure. Drawn on vouchers.

Two thousand dollars, or so much thereof as may be necessary, may be drawn during the year 1878, and the balance, or so much thereof as may be necessary, to be drawn during the year 1879.

SEC. 3. This act, being deemed of immediate importance, shall take effect from and after its publication in the State Register and Iowa State Leader, newspapers published at Des Moines, Iowa. Publication.

Approved, March 26, 1878.

I hereby certify that the foregoing act was published in the *Iowa State Register*, April 4, and in the *Iowa State Leader*, April 6, 1878.

JOSIAH T. YOUNG, *Secretary of State*.

CHAPTER 186.

FURNISHING SUPPLIES FOR THE PENITENTIARIES.

AN ACT Amendatory to Section 4773, of Chapter 2, Title XXVI, of the S. F. 285. Code, Relating to the Furnishing of Supplies for the Penitentiaries.

Be it enacted by the General Assembly of the State of Iowa:

SECTION 1. That section 4773 of the Code, be and the same is hereby amended by adding thereto the following words: *Provided*, That the estimates of the warden shall first be submitted to, and approved by the governor and council before advertisement thereof; and *Provided further*, That all bills, shall be submitted to the executive council, and that the awards of contracts for supplies shall be approved by such council. Code, § 4773, amended. Estimates to be approved by executive council.

SEC. 2. The provisions of section 4773 of the Code, and the amendments herein contained, are hereby made to govern all contracts for supplies for the additional penitentiary at Anamosa. Provisions to apply to additional penitentiary.

SEC. 3. This act, being deemed of immediate importance, shall take effect and be in force from and after its publication in the Iowa State Register, and Iowa State Leader, newspapers published at Des Moines, Iowa. Publication.

Approved, March 26, 1878.

I hereby certify that the foregoing act was published in the *Iowa State Leader*, April 1, and in the *Iowa State Register*, April 4, 1878.

JOSIAH T. YOUNG, *Secretary of State*.

CHAPTER 187.

GOVERNMENT OF THE ADDITIONAL PENITENTIARY.

H. F. 174

AN ACT to Amend Chapter 40 of the Acts of the Sixteenth General Assembly, relating to the Additional Penitentiary at Anamosa.

Be it enacted by the General Assembly of the State of Iowa:

Chapter 40, § 7, 16th G. A., amended. SECTION 1. That section seven (7), chapter 40, of the laws of the sixteenth general assembly be and the same is hereby repealed, and in lieu thereof is enacted the following:

Warden shall keep time-table of convict labor. SECTION 7. The warden shall keep a regular time-table of the convict labor and record the same in a book to be kept for that purpose; and he shall moreover keep a record of all the business under his control and return an account thereof, together with an account of the convict labor, to the clerk at the close of each day. He shall also keep a book in which shall be entered a record of every infraction of the published rule of discipline, with the name of the prisoner so guilty. And every prisoner who shall at the end of the month have no infraction of discipline recorded against him shall for the first month be entitled to a diminution of one day from the time he was sentenced to the penitentiary; and if at the end of the second month no infraction of the rules is recorded against him, two additional days of diminution from his sentence; and if he shall continue to have no such record against him for the third month, his time shall be shortened three additional days; and if he shall so continue to have no such record against him for the fourth month, his time shall be shortened four additional days; and if he shall so continue for subsequent months he shall be entitled to five days of diminution time from his sentence for each month he shall so continue his good behavior; and if any prisoner shall so pass the whole time of his service, or the remainder of his service, this act to apply to all the convicts now confined in the additional penitentiary at Anamosa, whose conduct entitles them to its benefits, from the date of their commitment forward, he shall be entitled to a certificate thereof from the warden; and upon the presentation thereof to the governor, the governor may, without compliance with the requirements of section 4712 and 4713 of the Code, issue to him a pardon, in which shall be recited the reasons therefor; and it shall be the duty of the warden to discharge such convict from the penitentiary when he shall have served the term of his service less the number of days he may be entitled to have deducted therefrom, in the same manner as if no such deduction had been made.

And record of conduct.

Code, §§ 4712, and 4713.

SEC. 2. This act, being deemed of immediate importance, shall

take effect and be in force from and after its publication in the Publication. Iowa State Leader, and Iowa State Register, newspapers published at Des Moines, Iowa.

Approved, March 26, 1878.

I hereby certify that the foregoing act was published in the *Iowa State Register*, March 29, and in the *Iowa State Leader*, April 2, 1878.

JOSIAH T. YOUNG, *Secretary of State*

CHAPTER 188.

CONSTRUCTION OF FISH-WAYS.

AN ACT to Provide for the Construction and Maintenance of Fish-ways to Enable Fish to Pass Over Dams across the Rivers and Streams of the State of Iowa. S. F. 332.

Be it enacted by the General Assembly of the State of Iowa:

SECTION 1. That the owner or owners of any dam or obstruction across any river or stream, creek, pond, lake, or water-course, in this state, shall, within a reasonable time, erect, construct and maintain, over or across said dam or obstruction, a suitable fish-way of suitable capacity and facility to afford a free passage for fish up and down through such water-course when the water of said stream is running over the said dam. Shall be constructed within reasonable time.

SEC. 2. Any dam or obstruction mentioned in section one of this act, not provided with such fish-way within a reasonable time after the taking effect of this act, is hereby declared a nuisance, and may be abated accordingly. Dam or obstruction a nuisance.

SEC. 3. Any person guilty of the violation of the provisions of this act, shall, upon conviction before a justice of the peace, be fined not less than five nor more than fifty dollars for the first offense, and not less than twenty dollars for each subsequent offense, and shall stand committed until such fine is paid. Penalty for violation of this act.

SEC. 4. This act, being deemed of immediate importance, shall be in force and take effect from and after its publication in the Daily State Register, and Daily State Leader, newspapers published in Des Moines, Iowa. Publication.

Approved, March, 26, 1878.

I hereby certify that the foregoing act was published in the *Iowa State Register*, April 3, and in the *Iowa State Leader*, April 6, 1878.

JOSIAH T. YOUNG, *Secretary of State*.

CHAPTER 189.

COMMISSION TO INVESTIGATE THE MANAGEMENT OF THE PENITENTIARY AT FORT MADISON.

S. F. 814.

AN ACT to Create a Commission to Investigate the Affairs of the Penitentiary at Ft. Madison, Iowa, During the Administration of S. H. Craig, as Warden, and to Continue the Investigation already commenced by the Joint Committee of the Seventeenth General Assembly, and to Provide for the Compensation of said Commission.

Be it enacted by the General Assembly of the State of Iowa:

Commissioners named.

SECTION 1. That S. L. Bestow, Chas. E. Bronson, H. W. Gleason, J. A. Israel and J. W. Miles, are hereby appointed and constituted a commission to continue and complete the investigation partially made by the committee appointed by the seventeenth general assembly of the state of Iowa, to investigate the affairs of the penitentiary at Ft. Madison during its management by S. H. Craig, as warden.

Duties and powers of commission.

SEC. 2. That said commission shall hold its sittings at Ft. Madison, Lee county, Iowa, or at the capitol of the state, and is authorized and directed to make a thorough examination and investigation of all the transactions and doings of S. H. Craig as warden of said penitentiary with the same power to subpoena witnesses, send for persons, compel their attendance and the production of books and papers, to punish for contempt and have such other powers in relation thereto as is possessed by the district courts of the state of Iowa.

May take evidence by deposition.

SEC. 3. Said commission shall have power to take evidence by deposition on notice or on commission, by giving three days notice to S. H. Craig, and the clerk of the district court of Lee or Polk counties, Iowa, are authorized and empowered to issue a commission therefor, the same as though issued from said court.

May employ short-hand reporter, &c. Compensation.

SEC. 4. That said commission is empowered to employ a short-hand reporter and an accountant, who shall receive as compensation for the actual time employed not to exceed five dollars per day and their actual traveling expenses; also a clerk and sergeant-at-arms who shall receive not to exceed three dollars per day and their actual necessary expenses while engaged with said commission, said compensation to be fixed by the commissioners.

Compensation of commissioners.

SEC. 5. Each of said commissioners shall receive as compensation for their services the sum of seven and one-half dollars per day and their necessary expenses while engaged in said investigation and the preparation of their report.

Report.

SEC. 6. The report of said commission shall be made to the governor who shall cause the report and proceedings of said commission and the evidence taken by it to be printed.

SEC. 7. That all accounts for fees, costs, and expenses of said investigation shall be examined and approved by the governor,

and when so approved shall be audited by the auditor and warrants on the treasurer drawn therefor in favor of the person entitled to same. Accounts shall be approved by the governor.

SEC. 8. The sum of three thousand (\$3,000) dollars or so much thereof as may be necessary is hereby appropriated to pay costs, fees, and expenses of said investigation now made, or which may hereafter accrue, the total thereof not to exceed the amount herein appropriated for that purpose. \$3,000 appropriated to pay expenses.

SEC. 9. This act, being deemed of immediate importance, shall take effect and be in force from and after its publication in the Iowa State Leader, and the Iowa State Register, papers published at Des Moines, Iowa, section 33 of the Code to the contrary notwithstanding. Publication.

Approved, March 26, 1878.

I hereby certify that the foregoing act was published in the *Iowa State Leader*, April 2, and in the *Iowa State Register*, April 3, 1878.

JOSIAH T. YOUNG, *Secretary of State*.

CHAPTER 190.

APPROPRIATION TO PAY CHAPLAINS OF THE SEVENTEENTH GENERAL ASSEMBLY.

AN ACT to appropriate Three Hundred and Fifty-five Dollars to pay S. F. 336. the Chaplains of the Seventeenth General Assembly. Additional to Section 15, Chapter 170, Laws of the Seventeenth General Assembly.

WHEREAS, The appropriation made by chapter — of the Preamble. seventeenth general assembly for payment of chaplains failed to make said appropriation in full for both houses, therefore,

Be it enacted by the General Assembly of the State of Iowa:

SECTION 1. There is hereby appropriated out [of] any money in the state treasury not otherwise appropriated, the sum of three hundred and fifty-five dollars, to pay the chaplains of this seventeenth general assembly for their services. \$355 appropriated to pay chaplains.

SEC. 2. This act, being deemed of immediate importance, shall take effect and be in force from and after its publication in the Daily State Register, and Daily State Leader, newspapers published in Des Moines, Iowa. Publication.

Approved, March 26, 1878.

I hereby certify that the foregoing act was published in the *Iowa State Leader*, March 30, and in the *Iowa State Register*, April 4, 1878.

JOSIAH T. YOUNG, *Secretary of State*.

JOINT RESOLUTIONS

PASSED BY THE SEVENTEENTH GENERAL ASSEMBLY.

NUMBER 1.

JOINT RESOLUTION Relative to Appointment of Commissioners from Iowa to the Paris Exposition.

WHEREAS, The congress of the United States did, by joint resolution, empower the executive of the different states to nominate to the President two commissioners from each state, who, when so nominated, would be honorary commissioners from the United States to the Paris Exposition, to be held in 1878. And

WHEREAS, In the said joint resolution it is further provided,

1st. That in case the authorities of any state or territory shall appoint a commissioner or commissioners to represent the interest of such state or territory at such exhibition, said commissioner or commissioners so appointed shall have the same status in the commission as the honorary commissioners provided for herein : but shall not be entitled to either pay or compensation out of the money hereby appropriated ; therefore,

Be it resolved by the General Assembly of the State of Iowa :

That the executive be and is hereby authorized to appoint from the citizens of the state honorary commissioners to the Paris Exposition ;

Provided, That each of said commissioners so appointed shall accept the appointment without any demand on the state for compensation or expense.

Approved, February 1st, 1878.

NUMBER 2.

JOINT RESOLUTION Amending the Bankrupt Act.

Be it resolved by the General Assembly of the State of Iowa :

That our senators and representatives in congress, be, and are hereby requested to use their influence to have the bankrupt law so amended that the expenses of bankrupt proceedings may be lessened and in order that the rights of creditors may be the better protected, or to secure such modification thereof as will place administration of the same in the state courts of the several states.

Approved, February 19, 1878.

NUMBER 3.

JOINT RESOLUTION in Relation to the Amount Due from the United States to the State of Iowa, on account of Expenditures Incurred Growing out of the late War.

WHEREAS, There remains equitably due the state of Iowa, on account of the expenses incurred during the war of the rebellion in the enlistment, subsistence, transportation, and clothing of volunteers who were mustered into the service of the United States, and for other purposes; and,

WHEREAS, Claims heretofore presented to the proper department for such expenditures, have been disallowed, for the reason that no law of congress authorized the payment thereof; now, therefore,

Be it resolved by the General Assembly of the State of Iowa:

That the governor is hereby authorized to appoint a suitable person as agent on behalf of the state to secure from congress such legislation as will enable the proper department to audit and pay whatever amounts may be found yet justly due the state on account of expenses incurred by it in aiding the federal government during the recent war. The compensation to be allowed such agent shall be stipulated in a contract to be made with him, and shall be paid entirely from the moneys reimbursed to the state by reason of such legislation.

Approved, February 27, 1878.

NUMBER 4.

RELATIVE to Appointment of Immigration Commissioners.

WHEREAS, It is believed that a large immigration to Iowa could be induced, if proper measures were taken to set before the people of our own and other lands the resources of the state, and the advantages it offers to those in quest of new homes; now therefore,

Be it resolved by the General Assembly of the State of Iowa:

That the executive of the state be, and is hereby empowered to appoint one or more commissioners of immigration, provided that the commissioners so appointed shall serve without expense to the state.

Provided, That the appointment may be revoked by the governor at his pleasure.

Approved, March 15, 1878.

NUMBER 5.

PROPOSING to Amend Section four (4) of Article three (3) of the Constitution of the State of Iowa, and to Provide for its Reference and Publication.

Be it resolved by the General Assembly of the State of Iowa:

That the following amendment to the constitution of the state, be, and the same is hereby proposed, viz:

Strike out the words, "free white," from the third line of section four (4) of article three (3) of said constitution, relating to the legislative department.

Resolved, further, That the foregoing proposed amendment to the constitution of the state of Iowa, be, and the same hereby is referred to the legislature, to be chosen at the next general election for members of the general assembly, and that the secretary of state cause the same to be published for three months previous to the day of such election, in two weekly newspapers in each congressional district in the state.

Approved, March 15, 1878.

NUMBER 6.

JOINT RESOLUTION for Relief of Hon. James A. Guthrie.

WHEREAS, James A. Guthrie, who was a private in company "A," 16th regiment Illinois volunteers, in the war with Mexico, was disabled by the loss of his right hand by a gunshot wound inflicted by the enemy in battle while said James A. Guthrie was in the line of his duty, and was honorably discharged from the service of the United States on account of said wound; and

WHEREAS, Because of the inability of said Guthrie to find the surgeon who attended said wound and to get his evidence, the commissioner of pensions refused to grant a pension to said James A. Guthrie; and

WHEREAS, The congress of the United States did in 1868, by act, grant to said James A. Guthrie a pension of fifteen dollars per month, to commence from and after the 4th day of June, 1866; and

WHEREAS, The commissioner of pensions did increase said pension to eighteen dollars per month from and after the 4th day of June, 1872; therefore,

Resolved by the General Assembly of the State of Iowa:

That our senators and representatives in congress be requested to use their influence actively to procure the passage of an act of congress granting to said James A. Guthrie a pension of eighteen dollars per month from the date of his discharge from the service of the United States on account of said wound, to wit: the — day of November, 1847, to the 4th day of June, 1866, the date when his present pension commenced.

Approved, March 15, 1878.

NUMBER 7.

MEMORIAL AND JOINT RESOLUTION in Reference to Securing a Commercial Highway by Water between the Mississippi River and Lake Michigan via the Valleys of the Fox and Wisconsin Rivers.

WHEREAS, The general government has entered upon the task of opening up a commercial highway from the valley of the Mississippi river to Lake Michigan via the valleys of the Fox and Wisconsin rivers; and,

WHEREAS, The people of the western states especially feel an absorbing interest in the speedy and successful accomplishment of this desirable result; therefore,

Be it resolved, That we again repeat our request to our representatives and senators in congress, that they be diligent in securing, if possible, such legislation in congress, as will enable the commerce of the central states of the continent to pass unfettered and unvexed to the markets of the world.

Resolved, That the secretary of state be directed to forward a copy of this resolution to the president of the United States senate, and the speaker of the house of representatives, with a request that the same may be laid before each house of congress, and that a copy be sent to each senator and member of congress from this state.

Approved, March 15, 1878.

NUMBER 8.

A JOINT RESOLUTION in Relation to the International Prison Congress, at Stockholm, Sweden.

Be it resolved by the General Assembly of the State of Iowa:

That the governor be, and he is hereby authorized to appoint and commission one or more delegates to represent the state of Iowa, at the International Prison Congress, to be held at the city of Stockholm, in the kingdom of Sweden, in the month of August, of the present year, provided that the state shall be at no expense on account thereof.

Approved, March 25, 1878.

NUMBER 9.

JOINT RESOLUTION Authorizing the Governor to Accept and Receive Grants or Appropriations from the United States for the Purpose of Indemnifying Settlers on Lands in Iowa.

Be it resolved by the General Assembly of the State of Iowa:

That the governor of the state is hereby authorized and directed to accept any grant or appropriations which may be made by the United States for the purpose of indemnifying settlers on lands in this state under color of title from the United States or the state of Iowa, or under the pre-emption or homestead laws, titles have failed, and is authorized and directed to take such proceedings as may be necessary to recover, receive and hold the same, subject to the disposal of the next general assembly.

Approved, March 25, 1878.

CERTIFICATE.

STATE OF IOWA, }
OFFICE OF SECRETARY OF STATE. }

I, Josiah T. Young, Secretary of State of the State of Iowa, hereby certify "that the acts, resolutions, and memorials" herein contained are "truly copied from the original rolls" on file in this office, and that the same are true and correct, except that the words inclosed by brackets [thus] have been inserted where it was evident an omission had occurred. Words in *italics* (except the enacting clause, and the word "*Provided*," etc.,) indicate that such words are either superfluous or erroneous; in the latter case the word or words supposed to be correct follow in brackets.

IN TESTIMONY WHEREOF, I have hereunto set my hand, and affixed the great seal of the State.



Done at Des Moines, the capital of the State, this 13th day of
May, A. D., 1878.

JOSIAH T. YOUNG, *Secretary of State.*



FINANCIAL STATEMENT.

STATE OF IOWA, OFFICE OF AUDITOR OF STATE, }
DES MOINES, MAY 1ST, 1878.

HON. JOSIAH T. YOUNG, *Secretary of State* :

SIR—In pursuance of the requirements of Section 18, Article III, of the Constitution of Iowa, I have the honor to submit, for publication with the laws of the Seventeenth General Assembly, the following statement of the receipts and expenditures of the public money, for the biennial fiscal term commencing November 1st, 1875, and ending September 30th, 1877, both days inclusive.

BUREN R. SHERMAN,
Auditor of State.



AUDITOR'S STATEMENT.

CONDITION OF STATE TREASURY.

The balance remaining in the state treasury at the close of the fiscal year October 30, 1875, was \$58,525.77, and was distributed among the several funds as follows:

General Revenue.....	\$ 3,114.66
Agricultural College Endowment Fund.....	44,305.42
Coupon Fund.....	606.35
Permanent School Fund	1,566.67
Swamp Land Fund	8,932.67
Total.....	\$58,525.77

There has been received into the state treasury during the past fiscal term, the sum of \$2,137,682.40, which amount added to the above balance on hand, makes the sum of \$2,196,208.17, and disbursements by the state treasurer during the same period amounted to \$2,122,470.78, leaving in the state treasury, September 30th, 1877, a balance of \$73,737.39, which was distributed among the several funds as follows:

General Revenue.....	\$ 25.56
Agricultural College Endowment Fund	68,160.00
Coupon Fund.....	245.85
Swamp Land Fund.....	5,305.98
Total.....	\$73,737.39

1st. - GENERAL STATEMENT OF RECEIPTS AND EXPENDITURES.

RECEIPTS.

The receipts were derived from the following sources:

General Revenue—	
From state tax levy.....	\$ 1,621,499.20
From interest on delinquent taxes.....	38,550.72
From insane dues from counties.....	160,496.27
From peddlers' licenses.....	1,808.75
From sale of laws, codes, and revisions.....	3,332.25
From insurance companies for taxes.....	109,577.79
From insurance companies for fees, by Auditor.....	34,561.50
From Register of State Land Office, for fees.....	661.85
From Secretary of State, for fees.....	5,373.49
From Shaw notes, (Dyer property).....	180.00
From Rankin defalcation.....	6,023.98
From Orwig defalcation.....	1,072.00
From sale of arms, accoutrements, &c., by Adjutant-General.....	332.85
	\$ 1,983,470.65

Other sources—

Coupon Fund—transferred from general revenue.....	\$ 42,000.00
Agricultural College Endowment Fund—from sale of lands.....	23,854.58
Swamp Land Fund—from United States.....	50,147.64
Permanent School Fund.....	2,841.37
Temporary School Fund.....	35,368.16

Balance on hand, October 30, 1875..... \$ 2,137,682.40
58,525.77

Total.....\$ 2,196,208.17

DISBURSEMENTS.

The disbursements were for the following purposes:

General Revenue—

Redemption of Auditor's warrants.....	\$ 1,976,035.04
Interest allowed on same.....	10,524.71

Total.....\$ 1,986,559.75

Other purposes—

Coupon Fund—redemption of coupons.....	\$ 42,360.50
Swamp Land Fund—paid to counties.....	53,774.33
Permanent School Fund—apportioned to counties.....	4,408.04
Temporary School Fund—apportioned to counties.....	35,368.16

Balance in treasury, September 30, 1877..... \$ 2,122,470.78
73,737.39

Total.....\$ 2,196,208.17

2D.—STATE INDEBTEDNESS.

War and Defense Fund, 7 per cent. bonds issued under chapter 16, acts of extra session of 1861, due July 1, 1881.....\$ 300,000.00

The Revenue Fund has also become responsible to the School Fund for the following bonds:

Bond No. 1, issued to the Permanent School Fund of the State, dated November 12, 1864, interest payable on the first days of January and July in each year, at 8 per cent., for.....	122,295.75
Bond No. 2, issued to the Permanent School Fund of the State, dated March 2, 1868, interest payable on the first days of January and July in each year, at 8 per cent., for.....	112,202.26
Bond No. 3, issued to the Permanent School Fund of the State, dated November 1, 1871, interest payable on the first days of January and July in each year, at 8 per cent., for.....	8,558.14
Bond No. 4, issued to the Permanent School Fund of the State, dated January 5, 1876, interest payable on the first days of January and July in each year, at 8 per cent., for.....	2,379.04
(Bonds Nos. 3 and 4 were issued for losses to the Permanent School Fund, in accordance with article 7, section 3, of new constitution, and of section 2, chapter 134, acts of 1864.)	

Total bonded indebtedness.....\$ 545,435.19

STATEMENT

Showing the amount of warrants issued, and to what account charged, and other expenditures of general revenue during the fiscal term ending September 30, 1877:

<i>Accounts.</i>	<i>Amount Expended.</i>
Accountant of the Board of Capitol Commissioners.....	\$ 550.00
Adjutant-General's salary.....	3,566.52
Adjutant-General's Clerk's fund, and Q. M. General expenses.....	1,419.50
Attorney-General's salary and per diem.....	4,380.00
Auditor of State's salary.....	4,188.18
Auditor of State's Deputy's salary.....	2,300.00
Auditor of State's Clerk's fund.....	4,330.77
Circuit Judge's salary, 1st District.....	4,399.93
Circuit Judge's salary, 2d District.....	3,483.29
Circuit Judge's salary, 3d District.....	4,399.92
Circuit Judge's salary, 4th District.....	4,216.59
Circuit Judge's salary, 5th District.....	4,166.59
Circuit Judge's salary, 6th District.....	4,583.27
Circuit Judge's salary, 7th District.....	4,216.59
Circuit Judge's salary, 8th District.....	4,400.31
Circuit Judge's salary, 9th District.....	4,216.59
Circuit Judge's salary, 10th District.....	4,583.26
Circuit Judge's salary, 11th District.....	4,399.96
Circuit Judge's salary, 12th District.....	4,216.59
Circuit Judge's salary, 13th District.....	4,216.69
Circuit Judge's salary, 14th District.....	1,283.31
District Judge's salary, 1st District.....	4,399.98
District Judge's salary, 2d District.....	4,216.64
District Judge's salary, 3d District.....	4,033.37
District Judge's salary, 4th District.....	4,216.59
District Judge's salary, 5th District.....	4,216.64
District Judge's salary, 6th District.....	4,216.28
District Judge's salary, 7th District.....	4,033.26
District Judge's salary, 8th District.....	4,179.92
District Judge's salary, 9th District.....	4,216.59
District Judge's salary, 10th District.....	4,216.64
District Judge's salary, 11th District.....	4,400.25
District Judge's salary, 12th District.....	4,216.59
District Judge's salary, 13th District.....	4,033.26
District Judge's salary, 14th District.....	1,283.31
District Attorney's salary, 1st District.....	1,100.00
District Attorney's salary, 2d District.....	1,200.00
District Attorney's salary, 3d District.....	1,000.00
District Attorney's salary, 4th District.....	1,150.00
District Attorney's salary, 5th District.....	1,250.00
District Attorney's salary, 6th District.....	1,200.00
District Attorney's salary, 7th District.....	1,150.00
District Attorney's salary, 8th District.....	1,200.00
District Attorney's salary, 9th District.....	1,150.00
District Attorney's salary, 10th District.....	1,150.00
District Attorney's salary, 11th District.....	1,250.00
District Attorney's salary, 12th District.....	1,150.00
District Attorney's salary, 13th District.....	1,150.00
District Attorney's salary, 14th District.....	400.00
Executive Council's additional salary.....	1,500.00
Governor's salary and room rent.....	7,050.00
Governor's contingent fund.....	3,677.56
Governor's Private Secretary's salary.....	2,350.00
Janitor and night watch.....	5,360.41
Register of State Land Office's salary.....	4,216.70

<i>Accounts.</i>	<i>Amount Expended.</i>
Register of State Land Office's deputy's salary.....	\$ 2,300.00
Register of State Land Office's clerk's fund.....	2,502.87
Secretary of State's salary.....	4,216.33
Secretary of State's deputy's salary.....	2,400.00
Secretary of State's clerk's fund.....	2,027.70
State Librarian's salary.....	2,300.00
State Treasurer's salary.....	4,216.66
State Treasurer's deputy's salary.....	2,300.00
State Treasurer's clerk's fund.....	2,106.00
State Superintendent of Weights and Measures' salary.....	79.72
State Fish Commissioner's salary.....	300.00
Superintendent of Public Instruction's salary.....	4,216.61
Superintendent of Public Instruction's deputy's salary.....	2,300.00
Superintendent of Public Instruction's clerk's fund and contingent expenses.....	3,976.85
Supreme Judge's salary, Hon. Austin Adams.....	7,499.93
Supreme Judge's salary, Hon. J. M. Beck.....	8,399.97
Supreme Judge's salary, Hon. James G. Day.....	5,750.00
Supreme Judge's salary, Hon. J. H. Rothrock.....	6,066.60
Supreme Judge's salary, Hon. William H. Seevers.....	7,111.04
Supreme Court contingent fund.....	7,646.89
Agricultural College, for improvement and repairs.....	24,820.00
Agricultural College, for Board of Trustees' mileage.....	1,913.00
Agricultural Societies.....	29,410.75
Arrest of fugitives.....	6,286.28
Asylum for Feeble-Minded Children, support.....	7,461.66
Asylum for Feeble-Minded Children, Trustees' mileage.....	632.00
Asylum for Feeble-Minded Children, improvements and repairs.....	4,200.00
Blind Institution, clothing account.....	1,250.37
Blind Institution, improvements.....	11,497.50
Blind Institution, support and pupilage.....	50,400.00
Condemned property.....	20.00
Deaf and Dumb Institution, clothing account.....	630.86
Deaf and Dumb Institution, building.....	41,250.56
Deaf and Dumb Institution, support and pupilage.....	57,360.00
Des Moines River Land, litigation.....	1,832.00
Des Moines River Lands.....	1,003.48
Distributing Laws.....	1,200.00
Distributing House and Senate Journal, Sixteenth General Assembly...	1,200.00
Expenses of Executive Council, assessing railroad property.....	96.00
First Iowa Cavalry claims.....	215.29
General Contingent Fund.....	5,403.66
Gray Uniform claims.....	2,452.24
Hospital for Insane at Independence, building and improvements.....	83,283.78
Hospital for Insane at Independence, Trustees' expenses.....	1,610.75
Hospital for Insane at Independence, County dues.....	122,960.00
Hospital for Insane at Mt. Pleasant, County dues.....	247,123.95
Hospital for Insane at Mt. Pleasant, improvements.....	15,800.00
Hospital for Insane at Mt. Pleasant, Trustees' expenses.....	1,743.04
Interest on School Fund Loans.....	33,233.82
Interest on War and Defense Bonds.....	42,000.00
Iowa Soldiers' Orphan's Home, improvements.....	4,850.00
Iowa Soldiers' Orphans' Home, support.....	50,370.00
Iowa Orphans' Home, County dues.....	3,107.01
Iowa Soldiers' Orphans' Home, Trustees' expenses.....	902.00
Miscellaneous expenditures.....	20,861.40
New Capitol Building.....	511,420.82
Penitentiary at Anamosa, building and improvements.....	22,342.11
Penitentiary at Anamosa, Commissioners' salaries.....	150.00
Penitentiary at Anamosa, support.....	23,574.98
Penitentiary at Anamosa, warden's salary.....	2,875.00

<i>Accounts.</i>	<i>Amount Expended.</i>
Penitentiary at Anamosa, clerk's salary.....	\$ 1,791.65
Penitentiary at Anamosa, physician's salary.....	540.00
Penitentiary at Anamosa, teachers' salary	720.00
Penitentiary at Anamosa, guards' pay	20,004.00
Penitentiary at Ft. Madison, support	40,447.01
Penitentiary at Ft. Madison, improvements.....	20,000.00
Penitentiary at Ft. Madison and Anamosa, visitors	130.35
Penitentiary at Ft. Madison, warden's salary.....	2,875.00
Penitentiary at Ft. Madison, deputy warden's salary.....	2,218.65
Penitentiary at Ft. Madison, clerk's salary.....	1,916.61
Penitentiary at Ft. Madison, physician's salary	1,150.00
Penitentiary at Ft. Madison, chaplain and teacher's salary.....	2,300.00
Penitentiary at Ft. Madison—guards' pay.....	45,970.00
Penitentiary at Ft. Madison—transportation of discharged convicts.....	1,360.39
Presidential electors—mileage and per diem.....	640.70
Portrait of ex-Gov. Briggs.....	125.00
Propagation of fish.....	8,162.64
Providential contingencies.....	5,999.60
Railroad prosecutions.....	2,525.00
Relief of Metz	392.08
School Journal.....	111.33
State Binding	26,733.58
State Historical Society.....	1,000.00
State Horticultural Society	2,000.00
State Agricultural Society	4,000.00
State Library.....	2,000.50
State Printing.....	30,790.22
State Reform School—building and improvements.....	48,935.71
State Reform School—support	39,275.00
State Reform School—trustees' mileage.....	2,875.35
State Reform School—indebtedness.....	1,800.00
State University—support.....	35,410.60
State University—trustees' mileage.....	1,950.00
Stationery	14,328.76
Supreme Court Reports.....	12,500.00
Sixteenth General Assembly—members' mileage and salary.....	91,031.16
Sixteenth General Assembly—special appropriations	6,311.23
Sixteenth General Assembly—clerks, messengers, and other employes..	11,400.00
State Normal School—improvements, repairs, salaries, etc.,.....	10,187.50
State Normal School—directors' expenses.....	413.16
Teachers' Institutes.....	9,950.00
Centennial Exposition.....	18,213.27
Total amount of warrants issued during the fiscal term.....	\$2,219,805.82
Interest paid on revenue warrants redeemed	10,524.71
Mileage paid to county treasurers and banks	3,466.86
Total expenditures.....	\$2,233,797.39

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APPENDIX.

No evidence has been received of the publication of the acts cited below in the newspapers named. Hence no certificate further than is already presented in the foregoing pages can be given.

Chapter 8, page 8: "Iowa State Register."

Chapter 27, page 25: "Knoxville Journal."

Chapter 29, page 27: "Iowa State Register."

Chapter 34, page 30: "Iowa State Register."

Chapter 46, page 39: "Iowa State Register."

Chapter 49, page 42: "Iowa State Register."

Chapter 62, page 56: "Iowa State Register."

Chapter 64, page 58: "Iowa State Register."

"Monona County Gazette."

Chapter 78, page 72: "Iowa State Register."

Chapter 82, page 76: "Iowa State Register."

Chapter 86, page 80: "Iowa State Register."

Chapter 88, page 81: "Cherokee Times."

Chapter 109, page 96: "Iowa State Register."

Chapter 128, page 117: "Iowa State Register."

Chapter 131, page 119: "Iowa State Register."

JOSIAH T. YOUNG, *Secretary of State.*



TIMES OF HOLDING THE
DISTRICT AND CIRCUIT COURTS

Of the State of Iowa, for the Years 1878 and 1879.

Judicial Districts.	COUNTIES.	COUNTY SEATS.	DISTRICT COURT.											
			1878.						1879.					
			January.	February.	March.	April.	May.	June.	July.	August.	September.	October.	November.	December.
5	Adair.....	Greenfield.....	...	4	...	...	...	...	...	...	23	...	...	...
3	Adams.....	Corning.....	...	...	23	...	...	...	...	...	21	...	...	...
10	Allamakee.....	Waukon.....	...	...	8	...	...	...	...	...	11	...	...	...
2	Appanoose.....	Centerville.....	...	...	4	...	...	...	...	...	7	...	...	...
13	Audubon.....	Exira.....	28	...	...	...	...	...	...	26	...	...	...	...
8	Benton.....	Vinton.....	...	11	...	...	...	...	...	...	7	...	...	...
9	Black Hawk.....	Waterloo.....	7	...	1	...	...	...	...	...	7	...	...	...
11	Boone.....	Boonsboro.....	...	...	20	...	...	...	...	...	24	...	...	...
12	Bremer.....	Waverly.....	...	...	20	...	...	...	...	...	2	...	...	...
9	Buchanan.....	Independence.....	...	11	...	...	...	...	...	...	9	...	...	...
14	Buena Vista.....	Sioux Rapids.....	...	...	21	...	...	...	...	...	26	...	...	...
12	Butler.....	Butler Center.....	...	...	6	...	...	...	...	...	16	...	...	...
14	Calhoun.....	Rockwell City.....	...	19	...	...	...	...	...	...	10	...	...	...
13	Carroll.....	Carroll.....	...	...	25	...	...	...	...	...	11	...	...	...
13	Cass.....	Atlantic.....	...	11	...	...	...	...	...	...	2	...	...	...
8	Cedar.....	Tipton.....	...	...	6	...	...	...	...	...	25	...	...	...
12	Cerro Gordo.....	Mason City.....	...	...	18	...	...	...	...	...	4	...	...	...
4	Cherokee.....	Cherokee.....	...	11	...	...	...	...	...	...	30	...	...	...
10	Chickasaw.....	New Hampton.....	...	...	...	10	...	...	...	...	9	...	...	...
3	Clarke.....	Osceola.....	...	...	20	...	...	...	...	...	18	...	...	...
14	Clay.....	Spencer.....	...	...	29	...	...	...	...	...	11	...	...	...
10	Clayton.....	Elkader.....	...	14	...	...	...	...	...	...	2	...	...	...
7	Clinton.....	Clinton.....	...	25	...	20	...	...	...	...	28	...	...	...
13	Crawford.....	Denison.....	...	...	15	...	...	...	...	...	4	...	...	...
5	Dallas.....	Adel.....	...	...	1	...	...	...	...	...	7	...	...	...
2	Davis.....	Bloomfield.....	...	18	...	...	...	...	...	...	23	...	...	...
9	Decatur.....	Leon.....	...	14	...	...	...	...	...	...	5	...	...	...
9	Delaware.....	Delhi.....	...	...	25	...	...	...	...	...	26	...	...	...
1	Des Moines.....	Burlington.....	...	7	...	27	...	...	...	...	14	...	...	...
14	Dickinson.....	Spirit Lake.....	...	...	22	...	...	...	...	...	4	...	...	...
9	Dubuque.....	Dubuque.....	28	...	6	...	...	...	...	...	4	...	...	...
14	Emmet.....	Estherville.....	...	...	17	...	...	...	...	...	30	...	...	...
10	Fayette.....	West Union.....	...	11	...	...	...	...	...	...	23	...	...	...
12	Floyd.....	Charles City.....	...	...	1	...	...	...	...	...	18	...	...	...
11	Franklin.....	Hampton.....	...	...	18	...	...	...	...	...	23	...	...	...
13	Fremont.....	Sidney.....	...	...	25	...	...	...	...	...	14	...	...	...
13	Greene.....	Jefferson.....	...	...	6	...	...	...	...	...	18	...	...	...
9	Grundy.....	Grundy Center.....	...	...	22	...	...	...	...	...	23	...	...	...
5	Guthrie.....	Guthrie Center.....	...	...	18	...	...	...	...	...	30	...	...	...
11	Hamilton.....	Webster City.....	...	25	...	...	...	...	...	...	2	...	...	...
12	Hancock.....	Concord.....	...	...	15	...	...	...	...	...	21	...	...	...
11	Hardin.....	Eldora.....	...	...	27	...	...	...	...	...	2	...	...	...
4	Harrison.....	Logan.....	...	2	...	...	...	...	...	...	27	...	...	...
1	Henry.....	Mt. Pleasant.....	...	...	4	...	...	...	...	...	18	...	...	...
10	Howard.....	Cresco.....	...	...	13	...	...	...	...	...	25	...	...	...
14	Humboldt.....	Dakota.....	...	...	5	...	...	...	...	...	24	...	...	...
8	Ida.....	Ida.....	...	...	...	11	...	...	...	...	10	...	...	...
7	Iowa.....	Marengo.....	...	...	4	...	...	...	...	...	26	...	...	...
6	Jackson.....	Maquoketa.....	...	...	19	...	...	...	...	...	26	...	...	...
7	Jasper.....	Newton.....	...	...	27	...	...	...	...	...	4	...	...	...
6	Jefferson.....	Fairfield.....	...	...	4	...	...	...	...	...	27	...	...	...
8	Johnson.....	Iowa City.....	...	...	...	3	...	...	...	...	6	...	...	...
8	Jones.....	Anamosa.....	...	...	...	20	...	...	...	...	9	...	...	...
6	Keokuk.....	Sigourney.....	...	...	1	...	...	...	...	...	2	...	...	...

DISTRICT COURTS—CONTINUED.

Judicial District.	COUNTIES.	COUNTY SEATS.	DISTRICT COURT.																					
			1878.												1879.									
			January.	February.	March.	April.	May.	June.	July.	August.	September.	October.	November.	December.	January.	February.	March.	April.	May.	June.	July.	August.	September.	October.
14	Kossuth.	Algona	...	11	...	...	...	...	...	...	30	...	...	...	...	10	...	...	...	...	...	29	...	...
1	Lee.	Keokuk.	...	4	...	...	...	...	...	...	18	...	...	...	...	8	...	...	...	...	...	1	...	...
1	Lee.	Ft. Madison	...	...	15	...	...	...	...	...	...	...	9	...	...	21	...	...	...	...	...	1	...	8
8	Linn.	Marion	...	...	1	...	...	...	...	...	28	...	...	...	...	7	...	...	...	...	...	27	...	...
1	Louisa.	Wapello.	...	...	1	...	...	...	...	...	30	...	...	...	...	7	...	...	...	...	...	29	...	...
2	Lucas.	Chariton	...	...	8	...	...	...	...	...	...	4	...	...	...	7	...	...	...	...	...	3	...	...
4	Lyon.	Rock Rapids.	...	...	14	...	...	...	...	...	...	10	...	...	...	20	...	...	...	...	...	9	...	...
5	Madison.	Winterset.	...	4	...	...	...	...	...	...	...	...	...	...	...	3	...	...	...	...	...	1	...	...
6	Mahaska.	Oskaloosa.	...	...	15	...	...	...	...	...	...	16	...	...	...	21	...	...	...	...	...	15	...	...
6	Marion.	Knoxville.	14	...	13	...	...	...	...	...	...	...	...	13	...	12	...	...	...	...	...	...	...	...
11	Marshall.	Marshalltown.	...	...	15	...	...	...	...	...	21	...	...	...	...	14	...	...	...	...	...	20	...	...
13	Mills.	Glenwood.	...	4	...	...	...	...	...	...	23	...	...	...	...	3	...	...	...	...	...	22	...	...
12	Mitchell.	Osage	...	4	...	...	...	...	...	...	2	...	...	...	...	3	...	...	...	...	...	1	...	...
4	Monona.	Onawa City	29	...	...	...	...	...	...	17	...	...	...	...	4	...	...	...	...	...	16	...	...	...
2	Monroe.	Albia	...	22	...	...	...	...	...	...	18	...	...	...	...	21	...	...	...	...	...	17	...	...
3	Montgomery.	Red Oak	...	...	6	...	...	...	...	...	4	...	...	...	...	5	...	...	...	...	...	3	...	...
7	Muscatine.	Muscatine	2	...	9	...	...	...	...	...	3	...	...	...	2	...	15	...	...	...	...	2	...	...
4	O'Brien.	Primghar.	...	...	6	...	...	...	...	...	...	2	...	...	...	12	...	...	...	...	...	...	...	1
4	Osceola.	Sibley.	...	...	20	...	...	...	...	...	...	16	...	...	...	26	...	...	...	...	...	...	...	...
3	Page.	Clarinda.	...	25	...	...	...	...	...	...	16	...	...	...	24	...	...	...	...	...	...	15	...	...
14	Palo Alto.	Emmetsburg.	...	...	10	...	...	...	...	...	23	...	...	...	...	8	...	...	...	...	...	21	...	...
4	Plymouth.	Le Mars.	...	25	...	...	...	...	...	...	14	...	...	...	...	3	...	...	...	...	...	13	...	...
14	Pocahontas.	Pocahontas Cr.	26	...	...	...	...	...	...	...	17	...	...	...	25	...	...	...	...	...	...	27	...	...
5	Polk.	Des Moines	...	...	15	...	...	...	...	...	28	...	...	...	...	14	...	...	...	...	...	...	...	...
13	Pottawat'mie.	Council Bluffs.	...	...	20	...	...	...	...	...	...	2	...	...	...	19	...	...	...	...	...	...	...	...
6	Poweshiek.	Montezuma.	...	18	...	...	...	...	...	...	19	...	...	...	...	17	...	...	...	...	...	...	...	...
3	Ringold.	Mt. Ayr.	28	...	...	...	...	...	...	...	...	...	...	...	27	...	...	...	...	...	...	...	...	...
14	Sac.	Sac City.	...	4	...	...	...	...	...	26	...	...	...	...	...	3	...	...	...	...	...	25	...	...
7	Scott.	Davenport	29	...	50	...	...	...	...	...	...	1	...	...	...	6	...	...	...	...	...	30	...	...
13	Shelby.	Harlan	...	14	...	...	...	...	...	19	...	...	...	...	...	...	...	...	...	...	...	...	...	...
4	Sioux.	Orange City	...	...	30	...	...	...	...	...	26	...	...	...	...	6	...	...	...	...	...	25	...	...
11	Story.	Nevada	...	...	8	...	...	...	...	...	13	...	...	...	...	7	...	...	...	...	...	12	...	...
8	Tama.	Toledo	...	18	...	...	...	...	...	...	9	...	...	...	...	17	...	...	...	...	...	...	...	...
3	Taylor.	Bedford.	...	11	...	...	...	...	...	...	...	...	...	...	...	10	...	...	...	...	...	...	...	...
3	Union.	Afton	...	...	3	...	...	...	...	...	...	2	...	...	...	...	...	...	...	...	...	...	...	1
2	Van Buren.	Keosauqua.	...	7	...	...	...	...	...	12	...	...	...	...	...	6	...	...	...	...	...	11	...	...
2	Wapello.	Ottumwa.	21	...	...	...	...	...	...	26	...	...	...	...	20	...	...	...	...	...	...	25	...	...
5	Warren.	Indianola.	...	7	...	...	...	...	...	5	...	...	...	...	...	6	...	...	...	...	...	4	...	...
6	Washington.	Washington	...	18	...	...	...	...	...	...	18	...	...	...	...	17	...	...	...	...	...	...	...	...
2	Wayne.	Corydon	...	25	...	...	...	...	...	...	21	...	...	...	...	24	...	...	...	...	...	20	...	...
11	Webster.	Ft. Dodge	...	5	...	...	...	...	...	13	...	...	...	...	...	4	...	...	...	...	...	12	...	...
12	Winnebago.	Forest City	...	...	10	...	...	...	...	...	28	...	...	...	...	...	9	...	...	...	...	27	...	...
10	Winneshek.	Decorah	...	...	11	...	...	...	...	...	14	...	...	...	...	10	...	...	...	...	...	13	...	...
4	Woodbury.	Sioux City	...	...	11	...	...	...	...	...	28	...	...	...	...	17	...	...	...	...	...	27	...	...
12	Worth.	Northwood.	...	...	17	...	...	...	...	...	7	...	...	...	...	16	...	...	...	...	...	6	...	...
11	Wright.	Clarion	...	12	...	...	...	...	...	17	...	...	...	...	...	11	...	...	...	...	...	16	...	...

CIRCUIT COURTS.

		CIRCUIT COURT.																								
		1878.												1879.												
Judicial Districts.	COUNTIES.	COUNTY SEATS.	January.	February.	March.	April.	May.	June.	July.	August.	September.	October.	November.	December.	January.	February.	March.	April.	May.	June.	July.	August.	September.	October.	November.	December.
5	Adair.....	Greenfield.....					6							25					5							24
3	Adams.....	Corning.....	14								5				13							4				
10	Allamakee.....	Waukon.....		4							23				3								23			
2	Appanoose.....	Centerville.....	7								12				6							11				
18	Audubon.....	Exira.....				4							28				3						27			
8	Benton.....	Vinton.....					20						9					19							8	
9	Black Hawk.....	Waterloo.....			4			3								3				2				10		
11	Boone.....	Boonsboro.....			13						18					12							17			
12	Bremer.....	Waverly.....		4							21					3							20			
9	Buchanan.....	Independence.....		18			20					28				17			10				27			
14	Buena Vista.....	Sioux Rapids.....			4						30					3							29			
12	Butler.....	Butler Center.....						17					4						16					3		
14	Calhoun.....	Rockwell City.....					15						4				14							3		
13	Carroll.....	Carroll.....	24								30				23								29			
13	Cass.....	Atlantic.....				15							4				14							3		
8	Cedar.....	Tipton.....		18							9					17							8			
12	Cerro Gordo.....	Mason City.....	21				3								20				2							
4	Cherokee.....	Cherokee.....			22							25					21							24		
10	Chickasaw.....	New Hampton.....		18							2		11			17							1		10	
3	Clarke.....	Osceola.....		11							2					10										
14	Clay.....	Spencer.....		25							23					4							22			
10	Clayton.....	Elkader.....					3				21								2				20			
7	Clinton.....	Clinton.....	2			1					2				2	31							1			
13	Crawford.....	Denison.....	14								23				13								22			
5	Dallas.....	Adel.....					3						16						2						15	
2	Davis.....	Bloomfield.....			22			3				18					21							17		
3	Decatur.....	Leor.....			22						21						21						20			
9	Delaware.....	Delhi.....		4		6					14					3			5						8	
1	Des Moines.....	Hurlington.....		25							9		9			24							13		8	
14	Dickinson.....	Spirit Lake.....		11							9					10							8			
9	Dubuque.....	Dubuque.....			25											24							8			
14	Emmet.....	Estherville.....		4							2				6	8							1			
12	Fayette.....	West Union.....				6							2				5								1	
12	Floyd.....	Charles City.....	7			20					16				6			19				15				
11	Franklin.....	Hampton.....				20						25						26						24		
13	Freemont.....	Sidney.....				27							16												15	
13	Greene.....	Jefferson.....		11								7		2									6			
9	Grundy.....	Grundy Center.....		18			10					25				17			9					24		
5	Guthrie.....	Guthrie Center.....			20											19								1		
11	Hamilton.....	Webster City.....			23						29						22						28			
12	Hancock.....	Concord.....				13					2						12						1			
11	Hardin.....	Eldora.....				30							5				29								4	
4	Harrison.....	Logan.....			19						15					18								14		
1	Henry.....	Mt. Pleasant.....	7		22						7				6		28							6		
10	Howard.....	Cresco.....		4							9					3								6		
14	Humboldt.....	Dakota.....				13					25						12							24		
14	Ida.....	Ida.....			1						22						31						21			
8	Iowa.....	Marengo.....			15						11				28		21							10		
7	Jackson.....	Maquoketa.....	29		23						1		25			24							30			
6	Jasper.....	Newton.....			25																			24		
8	Jefferson.....	Fairfield.....		7							2				6								1			
8	Johnson.....	Iowa City.....			18						21					17							20			
8	Jones.....	Anamosa.....			4						23					3										
6	Keokuk.....	Sigourney.....		4							7												6			

CIRCUIT COURTS—CONTINUED.

Judicial Districts.	COUNTIES.	COUNTY SEATS.	CIRCUIT COURT.																							
			1878.												1879.											
			January.	February.	March.	April.	May.	June.	July.	August.	September.	October.	November.	December.	January.	February.	March.	April.	May.	June.	July.	August.	September.	October.	November.	December.
14	Kossuth	Algona.....	...	...	...	...	3	...	...	...	...	9	...	...	...	...	2	...	...	...	...	...	...	...	8
1	Lee.....	Keokuk.....	...	...	...	...	11	...	...	...	...	5	...	...	...	...	10	...	...	...	...	...	...	4	...
1	Lee.....	Ft. Madison.....	...	5	...	...	21	...	...	...	...	...	...	4	...	...	20	...	...	...	...	...	21	...	...
8	Linn.....	Marion.....	7	...	...	...	3	...	...	...	...	...	...	6	...	...	...	...	...	...	...	...	...	...	...
1	Louisa.....	Wapello.....	...	5	...	...	...	...	...	20	...	26	...	...	4	...	...	...	...	...	...	...	...	...	...
2	Lucas.....	Chariton.....	...	11	...	...	...	...	...	9	...	...	...	...	10	...	...	...	...	...	...	8	...	...	...
4	Lyon.....	Rock Rapids.....	...	12	...	...	...	...	...	1	...	...	...	...	18	...	...	...	...	...	...	...	...	...	...
5	Madison.....	Winterset.....	...	...	1	...	...	...	...	...	4	...	...	...	7	...	...	...	...	...	...	...	3	...	...
6	Mahaska.....	Oskaloosa.....	...	18	...	...	...	...	...	21	...	...	...	...	17	...	...	...	...	...	...	20	...	...	...
6	Marion.....	Knoxville.....	...	...	11	...	...	...	...	...	11	...	...	...	10	...	...	...	...	...	...	...	10	...	...
11	Marshall.....	Marshalltown.....	...	4	...	...	...	12	...	...	...	...	...	...	3	...	...	...	...	11	...	...	...	...	...
13	Mills.....	Glenwood.....	...	...	6	...	...	...	...	...	25	...	...	...	...	5	...	...	...	...	...	...	24	...	...
12	Mitchell.....	Osage.....	...	...	15	...	...	...	...	...	...	2	...	...	21	...	...	...	...	...	...	...	...	1	...
4	Monona.....	Onawa City.....	...	...	8	...	...	...	...	...	11	...	...	...	7	...	...	...	...	...	...	...	10	...	...
2	Monroe.....	Albia.....	...	25	...	...	...	...	...	23	...	...	...	...	24	...	...	...	...	...	...	...	...	...	...
8	Montgomery.....	Red Oak.....	28	...	...	...	...	19	...	...	...	...	...	27	...	...	...	...	...	18	...	...	...	...	...
7	Muscatine.....	Muscatine.....	...	19	...	14	...	...	...	29	...	...	...	...	18	...	13	...	...	...	...	28	...	...	...
4	O'Brien.....	Primghar.....	...	4	...	...	...	...	...	23	...	...	...	...	10	...	...	...	...	...	...	...	...	...	...
4	Osceola.....	Sibley.....	...	18	...	...	...	...	...	7	...	...	...	...	24	...	...	...	...	...	...	6	...	...	...
3	Page.....	Clarinda.....	...	...	...	3	...	...	...	...	2	...	...	...	...	...	2	...	...	...	...	...	...	1	...
14	Palo Alto.....	Emmetsburg.....	28	...	...	...	...	26	...	...	...	...	...	26	...	...	...	...	...	25	...	...	...	...	...
4	Plymouth.....	Le Mars.....	...	...	6	...	...	...	...	...	9	...	...	...	...	5	...	...	...	...	...	...	...	8	...
14	Pocahontas.....	Pocahontas C'r.....	...	...	22	...	...	...	...	...	11	...	...	...	21	...	...	...	...	...	...	...	10	...	...
5	Polk.....	Des Moines.....	7	...	...	...	12	...	...	...	...	...	...	6	...	...	...	...	...	11	...	...	...	...	...
13	Pottawattmie.....	Council Bluffs.....	...	4	...	...	10	...	...	...	...	...	...	...	3	...	...	...	...	...	...	...	...	...	...
6	Poweshiek.....	Montezuma.....	...	...	15	...	...	...	...	...	16	...	...	...	21	...	...	...	...	...	...	...	...	15	...
3	Ringgold.....	Mt. Ayr.....	...	...	6	...	...	...	...	...	4	...	...	...	5	...	...	...	...	...	...	...	...	...	...
14	Sac.....	Sac City.....	...	12	8	...	...	...	...	28	...	...	...	...	7	...	...	...	...	...	...	...	...	...	...
7	Scott.....	Davenport.....	...	12	...	11	...	...	...	...	26	...	...	...	11	...	10	...	...	...	...	...	...	...	...
13	Shelby.....	Harlan.....	...	25	...	...	...	...	...	21	...	...	...	...	24	...	...	...	...	...	...	...	...	...	...
4	Sioux.....	Orange City.....	28	...	...	...	...	...	...	16	...	...	...	...	3	...	...	...	...	...	...	15	...	...	...
11	Story.....	Nevada.....	...	28	...	...	...	5	...	...	...	...	...	...	27	...	...	5	...	...	...	...	...	...	...
8	Tama.....	Toledo.....	...	...	6	...	...	...	...	25	...	...	...	...	...	5	...	...	...	...	...	...	...	...	...
3	Taylor.....	Bedford.....	...	...	20	...	...	...	...	18	...	...	...	...	...	19	...	...	...	...	...	...	...	...	...
3	Union.....	Afton.....	...	25	...	...	...	...	...	...	...	...	...	...	24	...	...	...	...	...	...	...	...	...	...
2	Van Buren.....	Keosauqua.....	...	...	8	...	...	...	...	7	...	...	...	...	7	...	...	...	...	...	...	...	...	...	...
2	Wapello.....	Ottumwa.....	...	11	...	...	...	...	...	21	...	...	...	...	10	...	...	...	...	...	...	...	...	...	...
5	Warren.....	Indianola.....	...	4	...	...	...	...	...	7	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...
6	Washington.....	Washington.....	21	...	4	...	...	16	...	...	...	...	...	20	...	3	...	...	...	...	...	15	...	...	...
2	Wayne.....	Corydon.....	...	...	...	...	...	26	...	...	...	...	...	27	...	...	...	...	...	...	...	...	...	...	...
11	Webster.....	Ft. Dodge.....	...	...	2	...	...	...	...	8	...	...	...	...	1	...	...	...	...	...	...	...	...	...	...
12	Winnebago.....	Forest City.....	...	...	6	...	...	...	...	9	...	...	...	...	...	5	...	...	...	...	...	...	...	...	...
10	Winneshek.....	Decorah.....	7	...	...	...	...	2	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...
4	Woodbury.....	Sioux City.....	2	...	...	...	...	28	...	...	...	...	...	6	...	...	...	...	...	...	...	...	...	...	...
12	Worth.....	Northwood.....	...	...	1	...	...	...	...	18	...	...	...	...	7	...	...	...	...	...	...	...	...	...	...
11	Wright.....	Clarion.....	...	...	14	...	...	...	...	...	19	...	...	...	...	13	...	...	...	...	...	...	...	...	...

STATE OF IOWA, ss.

I hereby certify that the foregoing table is a full, true, and complete list of the times of holding District and Circuit Courts in the State of Iowa for the years 1878 and 1879, as shown by the orders of the Judges of said Courts now on file in my office, as required by Section 165, Code of 1873.

IN TESTIMONY WHEREOF, I have hereunto set my hand and affixed the Great Seal of the State, at Des Moines, this 31st day of October, A. D., 1877.

[L. S.]

JOSIAH T. YOUNG, *Secretary of State.*



